UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,	)
	)
Plaintiff,	)
	)
v.	) **No. 4:16-CV-180-CDP**
	)
CITY OF FERGUSON, MISSOURI,	)
	)
Defendant.	)

STATUS CONFERENCE

BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

JUNE 22, 2017

APPEARANCES:

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SQUIRE PATTON BOGGS

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UNITED STATES DEPARTMENT OF JUSTICE

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(Produced by computer-aided mechanical stenography.)

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(Proceedings commenced at 2:03 p.m.)

THE COURT: All right. Good afternoon. We are here in the case of United States of America versus the City of Ferguson. This is Case No. 4:16-CV-180, and we are here for the quarterly status conference, and at this conference, I did also say that members of the public would be able to speak, and so I have 11 people who have signed up to make presentations. And so let me start by asking counsel for the Plaintiff, United States, to please identify themselves.

MR. VOLEK: Jude Volek, Your Honor.

THE COURT: All right.

MS. SENIER: Amy Senier.

MS. BRETT: Sharon Brett.

MR. HART: Charles Hart, Your Honor.

THE COURT: All right. And counsel for the Defendant, City of Ferguson.

MR. CAREY: Apollo Carey, ma'am.

THE COURT: All right. And then I have for the Monitor . . .

MR. ERVIN: Clark Ervin, Your Honor.

THE COURT: All right. Thank you, all.

All right. First, I'll hear from the parties to the case about how things are going. Mr. Volek, I will call on you or whoever from your team wishes to present.

MR. VOLEK: Thank you, Your Honor. Amy Senier will be delivering our opening remarks.

THE COURT: All right. Ms. Senier.

MS. SENIER: Good afternoon, Your Honor. The United States appreciates the opportunity to update the Court on how it sees implementation of the Consent Decree progressing. Today, I'll address three areas. The first will be any progress the parties have made with respect to development of policies required by the decree. The second area I'll speak to is those requirements under the decree that do not require a policy but where the parties have, nonetheless, made great strides toward implementation. And the third point I'll address is a couple of challenges we're facing along the way.

Starting with policy development, the parties have been hard at work over the past several months developing policies in those areas where we set as priorities in December. We've had a particular focus this past quarter on recruitment, accountability, and use of force.

And before I turn to the progress in those particular areas, I want to say a word about process. Since we last met in March, the parties have streamlined the policy review process. We now engage in a process where the City starts by creating a draft policy. They submit it to the Department of Justice. We review and comment. We exchange a few more versions of that policy, and once the parties feel like they have a strong draft in place, we then submit it to the

Monitoring Team for any technical assistance but really for review and approval, and this streamlined process has worked very effectively over the past few months as I'll detail below.

But this policy has only been successful because the parties have been engaged in constant contact. We speak many times throughout every week. Department of Justice has been on the ground in Ferguson multiple times over the past several months to have in-person working sessions dedicated to these specific policies. And we want to single out here the tremendous dedication that's been exhibited by Commander Frank McCall -- he's the FPD's Consent Decree Coordinator -- along with City Attorney Apollo Carey. These two individuals have been our points of contact during the implementation process, and we're very grateful to them for their engagement during this process. We also want to note that Ferguson Police Chief Delrish Moss and City Manager De'Carlon Seewood have made themselves available at every opportunity whenever unique questions have arisen in need of their attention. So we're grateful to them for their accessibility. We expect to continue this level of engagement during the policy review process because it's been yielding real results.

Starting with recruitment, the recruitment plan is comprised of two elements. The first is a recruitment plan which sets forth the framework by which the City will attract and retain a diverse and highly qualified police force. A key element of this plan is the requirement that the City offer salaries which place it amongst the most competitive of similarly sized agencies in St. Louis County. The parties have made real progress on this issue. It's been a challenging issue. Nonetheless, we feel like we are very close to developing a plan to realize this provision of the decree.

Moreover, the decree requires that the recruitment plan be developed in consultation with the Neighborhood Steering Policing Committee, and the parties have undertaken a number of steps over the past several months to ensure that this can happen. Commander McCall has sent the draft recruitment plan to the NPSC. The Department of Justice and the Ferguson Police Department have attended the last two NPSC meetings in an attempt to gain feedback on that policy, and we intend to do so again in July because we realize how critical it is to receive community input on that recruitment plan.

In addition, the parties have finalized a Background Investigations Manual, which includes specific provisions for the hiring of Ferguson police officers. This is a critical step to ensuring that Ferguson is able to attract and retain the caliber of police officer that the residents of Ferguson deserve, and in fact, we understand from Chief Moss that instituting these background screening procedures so far has enabled the City to screen out otherwise unqualified candidates.

Turning to accountability, the City has drafted and the Department of Justice has reviewed and commented on an internal investigations order that sets forth the procedures by which the police department will receive, track, and investigate misconduct complaints. Those are complaints that are generated both within the department and received from members of the public. It also sets forth the procedures by which the FPD is going to interact with the Civilian Review Board so that the Civilian Review Board receives the documents and materials it needs to review those misconduct complaints and investigations. And, in fact, the next step for this draft order is the Civilian Review Board so that it can engage in the policy review process it's empowered to engage in under the decree. So finalization of this policy is a really critical step towards fostering an environment of accountability within FPD and inspiring confidence within members of the community.

Turning to the use of force, this is an extremely complex area of policy development and involves a whole host of general orders and policies. These policies include the use of lethal and less lethal force, policies on the use of every weapon that FPD officers are authorized to carry, policies related to the reporting and investigation of force, including the establishment of a Force Review Board as well as policies on the deployment of K-9s or vehicle pursuits.

As a result of the revised policy development process that I outlined earlier, the parties are well on their way to developing use-of-force policies, and in fact, we already have a very strong draft of a general use-of-force policy that covers the use of lethal force and less lethal force, and Commander McCall is already undertaking the process of analyzing gaps that exist in those various weapons policies. So we think we're off to a very strong start in the use-of-force area.

In wrapping up this update on policy development, I just want to add that the parties think it's very critical that these policies are reviewed and developed in as expeditious but as thoughtful a process as possible because they lay the foundation for implementation moving forward, but we are cognizant of the importance of community involvement in the policy development process. That's why I said that the next stop for the investigation -- the internal investigations policy is the CRB so that it can review that policy. Similarly, this is why the parties are waiting for feedback from the NPSC on the recruitment plan because we realize how critical this feedback is. Moreover, the decree provides that every policy that is revised under it will be reviewed after a year and then annually thereafter. So there will be an ongoing opportunity for these policies to be reviewed in light of lessons learned and changes in best practices and law.

Turning now to those elements of the decree that don't necessarily require a policy but where the parties have made great strides toward implementation, I want to start with the CRB. As the Court knows, the CRB was sworn in in March of this year, and it's been meeting regularly since then. The members have already started drafting their bylaws, and the City has been extremely supportive of this work. Mr. Carey, in particular, has moved swiftly to develop a training for the CRB, and this training, he developed in close collaboration with the National Association for Civilian Oversight of Law Enforcement, NACOLE. This training curriculum covers topics from constitutional law to privacy and confidentiality. The Department of Justice received this training. We reviewed it and returned it in short order so that training could begin and did begin on Monday. And Mr. Carey has set forth a seven-week schedule for that training to continue so that the CRB can begin its important work as soon as possible.

Continuing with the training theme, FPD has also designated a training coordinator, a requirement under the decree. This person will assist Commander McCall and Chief Moss with ensuring that the department meets the many training requirements of the decree both for basic and in-service training. We had the opportunity to meet this person yesterday, and we look forward to working with them in the months to come.

And finally, the City has been thinking very carefully about how to realize the community engagement requirements of the decree, and so far, this has entailed the City and FPD working closely with the Department of Justice and members of the Monitoring Team to analyze current operations for areas where the community could be more greatly involved, and I've just mentioned two of them. Recruitment and training are two areas where the community has already begun to be quite or the City has already identified ways that the community can be more involved.

And finally, I want to address a couple of challenges that the parties have faced in the past quarter. The first is with respect to transparency, and this is a requirement that carries over throughout all areas of the decree. It's critically important that members of the community know not only how FPD and the City are operating but how they are realizing implementation of the decree, and it's really important that the public has access, for example, to newly finalized policies, meeting notices, and other decree-related developments.

I want to focus here, in particular, on the importance of the City's website in transmitting this information, particularly, with respect to court reform. The

City has made some real progress on several provisions of the decree related to municipal court reform, but these aren't quite translating into an easily accessible format on the City's website. For example, the City has now operationalized the ability-to-pay determination, but that's not readily apparent from the City's website. The City's online payment system also allows for the ability to make partial payments, but the website doesn't say that. So it's critically important that the City's website provide this information in a readily accessible, user-friendly format. We know that the City is aware of this. We know that the City is committed to improving its website. So we look forward to hearing more about that in the coming months.

And finally, in light of the progress that's been made so far, the parties feel like they're in a position now to see some of these activities be open to audit by the Independent Monitor, and to that end, the Monitoring Team has shared with the parties an exceedingly helpful audit methodology for those provisions of the decree that relate to court reform. This is a very comprehensive methodology that sets forth not only the dates on which audits will occur but the kinds of documentation that the City has to compile in order to demonstrate that it is in fact implementing the decree. This is a tremendously helpful document to the parties, particularly, to the City, because it sets clear expectations and clear deadlines for how the City can demonstrate compliance. We are grateful to the Monitoring Team for that document.

The Monitor has also shared with the Department of Justice recently and we've had an opportunity to provide some initial feedback on a decree-wide audit methodology, and this is a plan that sets forth a set of audits for the provisions that range throughout the entire decree. As Your Honor knows, the decree sets forth a procedure whereby any audit methodology, the Monitor will submit to the parties and give them an opportunity to review and comment, but this is instead kind of a decree-wide audit methodology. So we've already had the opportunity to comment on that.

But the decree also requires a monitoring plan, and the monitoring plan, while including some of those elements of the audit methodology, requires additional information as well, including, for example, who on the Monitoring Team is going to be responsible for conducting those audits, how the deadlines for the various audits interact with each other, and most importantly, what is the procedure and process for reporting out the results of those audits to the public that's waiting to hear. So we look forward to receiving this kind of monitoring plan in the coming weeks.

In the meantime, as evidenced by what I've just described, the parties are proceeding ahead with the implementation process. This is not to say that areas of disagreement haven't arisen. It's not to say that areas of disagreement won't arise in the future, but we believe that we are all working together in good faith to realize the requirements of the decree, and we expect to do so for many months to come.

THE COURT: I have a question for you because I know there are members of the public who are going to be speaking today and who have signed up. Is there a process that the Department of Justice has where members of the public can contact you if they think there's a problem or some issues. What's the process for doing that?

MS. SENIER: Absolutely, Your Honor. We have a mailbox that many members of the Ferguson community have already used, I think, during the investigation and all through the drafting of the Consent Decree. Many of them have our individual contact information, and they're always free to do so, and we would remain after today's hearing to provide that information as well, but we welcome that kind of feedback.

THE COURT: Okay. I thought that was the case. I just wanted to be sure. All right. Thank you.

All right. Mr. Carey, on behalf of the City.

MR. CAREY: Good afternoon, Your Honor.

So because I was scolded the last time when I came in because I forgot to introduce the folks from our good city who are here as interested parties, I'm going to start by doing that to the Court so that the Court knows who is here.

THE COURT: Thank you.

MR. CAREY: I'll start with our esteemed, newly elected Mayor James Knowles. We also have Councilwoman Ella Jones, and we also have Councilwoman Laverne Mitchom. We have our City Manager, De'Carlon Seewood. We have our Consent Decree Coordinator and truly the workhorse that is behind all of the progress that we have made so far. That's Commander Frank McCall. And we have Chief Delrish Moss, our wonderful Police Chief, who is also one of the workhorses that help us get -- you know, get to where we need to be in terms of compliance with the Consent Decree. And we also have Lieutenant Colonel Alan Eickhoff, who is also the Assistant Police Chief in the city. I don't think I missed any other elected officials or administration, but I just wanted to kind of show the Court that we are very invested in our Consent Decree progress, and we are all here to support one another in doing so.

So, Your Honor, I'll talk very briefly. I think the Department of Justice did a really good job of kind of summarizing. At the risk of not necessarily repeating, I will summarize that what I had hoped to talk about today is two sides, kind of the court side of things and then the police side of things. As you know, the Consent Decree, for purposes of the City's compliance, is kind of separated into those two genres.

So I'll start by just kind of addressing -- the last time I was here, I gave you some figures, from the court side of things, on the amount of fines that the City has waived, and I'll kind of talk a little bit about the progress. As you know, the Consent Decree required the City to repeal some ordinances, to waive some fines, to make some good-cause determinations on cases that were pending, and so I just kind of wanted to give you some of those numbers since the last time we talked. The total amount of fines that the City has waived since August of 2014 is $1,804,516.25. The total amount of fines waived since we've had our first meeting with the Monitoring Team, which was in September of 2016, is $140,921.50. So a good 200- or 150,000-dollar chunk of that is recent. Since September of 2016, balances have been waived on over 400 cases that we've had pending.

So our prosecutor and our court personnel have been very busy going through some of the pending cases that we have, nolle prossing some of the ones that we promised to nolle pros, and also, the judge has been busy dismissing some of the cases that we promised to dismiss. And specifically, with the nolle pros cases, there have been -- since August 2014, there have been 35,691 cases, and then dismissed since

August 2014 has been 3,485 cases. And as you know, we -- before we hired Judge Brown, we had several municipal judges. So those cases would span the tenure of several municipal judges that worked with the City.

And also, with regard to our community service program that we -- as you know, the Consent Decree required the City to offer in lieu of paying a fine for those folks who were determined -- who didn't have the ability to pay the fine -- we were -- we implemented a community service program, and so since the beginning of that program in 2015, we've had 1,381 defendants sign up for the community service program, and 254 have completed it.

So that's a little bit about the progress from a numbers standpoint, but I do want to point out, as Ms. Senier did, with regard to our audit methodology. This has been -- this has really been recently a really good tool that the City has to -- that the City is going to use in order to judge our compliance. As you know, the Consent Decree -- on the court side, there was a little bit of ambiguity, from our perspective anyway, as to what was actually required for compliance, whether or not there was a document we needed. Did we need to draft a policy? Did we just need to show you something that we were doing? And so the Monitoring Team has been working very diligently in the last couple of months and has recently produced on the court side the audit methodology, and that methodology is basically broken down by paragraph of the Consent Decree, requirement of the Consent Decree, and then most helpful, it has what the Monitoring Team is going to be looking for to judge compliance, and that is a key element of that audit methodology plan because now the City has a road map, and it's not that we're just, you know, swinging at every fastball that's tossed our way, and we're not just, you know, out, you know, kind of swinging in the dark. We actually have a road map that kind of shows us what we need for compliance, and so that's really been helpful. And so on the court side of things, I expect the progress on the court side of things to be -- to speed up based upon the fact that we have this audit methodology. As a matter of fact, I think our first audit is August 1st --

MR. ERVIN: That's right.

MR. CAREY: -- 2017.

THE COURT: Okay.

MR. CAREY: And so we will be working on the court side of things very diligently to analyze that court methodology and produce the documents and other things that we need in order to show compliance.

THE COURT: Excuse me just a second.

MR. CAREY: Yes.

THE COURT: For those of you who are coming in, there are some seats up here in the front. There are some other places of people. There's room for people to sit. At least there's -- if people will make room, there's at least room for three or four people there, and then on that back row, I think there's space too. All right. Thank you.

All right. Go ahead.

MR. CAREY: Perfect. Okay. So now switching to the police side of things, and I think the Department of Justice has done a great job of summarizing where we are on the policy review. I did want to just speak to the Court about our policy review process. This process has been very helpful because I think what it does is -- as you know, the City of Ferguson had a load of policies in place already, and our job and our task was to take those policies and make them compliant with the Consent Decree. Well, the process that we have engaged in, the streamlined process that Ms. Senier talked about, has really been helpful in pointing out the weaknesses in the existing policies. It has been helpful in allowing us to see the consistencies needed to comply with the Consent Decree, and also, we've been able to infuse best practices, and that has come from the Department of Justice's experience, the experience of our Monitoring Team who has been intimately involved in the process. Although it's sort of been streamlined to the extent that the parties kind of work things out first, when we do need the expert opinion or advice of folks on the Monitoring Team, we do involve them upfront on that process, and so they've been very willing to do that and very helpful, and so I think that process has really, really helped flesh out some really good policies that we're going to put in place and subsequently train our officers on.

I did want to speak to -- one of the policies that we didn't mention before is our body-worn and in-car camera policies that we're working on.

THE COURT: Yeah. Thank you. I was going to ask about that because I know there was that initiative petition and some other things that --

MR. CAREY: Yeah. Correct.

THE COURT: -- affect that. Yeah. So --

MR. CAREY: Right, right. So, you know, as you know, the Consent Decree is very detailed with regard to, you know, body-worn, in-car cameras, the use of those things, and then we also did have recently an initiative petition that passed in our city that amended our charter to address some issues with body-worn and in-car camera issues. Those issues are, I guess, really for another day. What I will say with regard to compliance with the Consent Decree is that there are some issues with the Proposition A that lead us to believe that there are some inconsistencies with what that proposition required, what that proposition requires and what the Consent Decree requires. So our position at this point is that, for purposes of compliance with the Consent Decree, the Consent

Decree rules.

And so what we're doing, in the next couple of weeks and months, is we'll be working through Proposition A, making some decisions with regard to our compliance, how that jibes with the Consent Decree, how do we comply both with Missouri law, the charter, and the Consent Decree. So that has presented a challenge, but I think it's a challenge that the Department of Justice has told us that they will help work with us on, and I think it's a challenge that we will be able to navigate.

THE COURT: And as I understand it, I mean I -- and, obviously, you do have to comply with the Consent Decree --

MR. CAREY: Absolutely.

THE COURT: -- because that's the Consent Decree.

MR. CAREY: Right.

THE COURT: The differences have a lot to do with how long the cameras have to be -- when the cameras are turned on, how things are stored --

MR. CAREY: Correct.

THE COURT: -- the output. There's a lot of technical differences or at least some technical differences between the two, the provision of the charter amendment now.

MR. CAREY: Absolutely. There are some technical differences in the language, and then there are some differences that complicate the goal or the purpose of the

Consent Decree, and so that may not necessarily be in the language itself, but the practical effect of implementing it will challenge us in complying with the Consent Decree, and so those are the things that we are working through.

THE COURT: You're continuing to work through those?

MR. CAREY: Yes, ma'am, we are. And we've had some analysis done on the proposition, and we're working with our City Council to kind of effectively discuss and, you know, discuss what we can implement, what we can't implement, what we should implement, whether or not these things are inconsistent with the Consent Decree, that type of thing. And so like I said, the Department of Justice has worked with us on that and has pledged to continue to work with us on that process.

We also mentioned the CRB training. That has been -- you know, for lack of a better term, that has been sort of, you know, my adopted baby of the Consent Decree because I have spent, you know, the last maybe two or three months in meetings with the CRB, you know, preparing them, helping them draft bylaws, helping them get their policies together, and also helping them come up with a training schedule. And our training schedule is not just training that'll be done by myself. We also have some of our police officers who will also participate in the training, and we also have an outside consultant that we will have do some of our implicit-bias training, and we also -- for the CRB training, we also plan to engage in ride-alongs with the police department, and we also plan on doing use-of-force simulators so that the CRB will get kind of a real-life scenario situation of what police officers go through and the snap decisions they have to make as it relates to use of force. So we think all of that training will aid the CRB in its task of reviewing complaints that are filed and, you know, making recommendations on disciplinary actions.

I think -- for the most part, Your Honor, I think that's it. I do want to address the last kind of comment, the challenge with regard to the City's website. You know, I think the City will be the first to acknowledge that its website is somewhat complicated to navigate, and we are aware of that, and the challenge that presents us with regard to Consent Decree compliance is that so many of the provisions require updating of the website, putting information onto the website, and the City up until now has not had a dedicated IT person that is skillful in web design. And so what has been happening is each department would have an employee who maybe knew how to upload things to a website or maybe, you know, could do some rudimentary web design type skills, would have some rudimentary web design skills, but we don't have a dedicated IT person who can handle all of the necessary updates and changes that we need to make to the website.

However, the City has just -- we just got done with a budgeting process, and I believe, if I'm correct, this coming year, this coming fiscal year, which starts July 1st, 2017, this coming fiscal year, we will have in our budget a revamp of our website, and it is our plan to sit down with the company that we -- that hosts our website and who will be responsible for the revamping of the website, to sit down and, you know, let them know what it is we need for purposes of Consent Decree compliance. And so we anticipate that this coming fiscal year we'll be able to make great strides with regard to the compliance mechanisms in the Consent Decree that require us to update the website. And so we, of course, will keep the Department of Justice informed as we go along with that. Obviously, the Court and the Monitor. But rest assured that we understand that that's a roadblock, so to speak, but it's one that we can overcome.

THE COURT: And I did have a question for you that somewhat relates to what's on the website but also relates to what you're actually doing. I know this goes back to the court reform issues, and I know you said you have, you know, developed a community service program --

MR. CAREY: Yes, ma'am.

THE COURT: -- and lot of people have signed up. Do you have -- have you developed -- whether they're real available on the website or not, have you developed guidelines for the ability-to-pay determinations that need to be done in the municipal court?

MR. CAREY: Yes, ma'am, there are guidelines for the ability-to-pay determinations. I believe that those guidelines come from St. Louis County.

THE COURT: Okay.

MR. CAREY: And I think what we've done is adopted those.

THE COURT: The same ones they use for their court system?

MR. CAREY: Yes, ma'am. And I know that we are actively giving those out in court, but for Consent Decree compliance purposes, we've got to make those available on the website.

THE COURT: Right. Right.

MR. CAREY: And that's where --

THE COURT: Okay.

MR. CAREY: That's where the challenge is for us, but we, again, are dedicated to doing that.

THE COURT: Okay. Okay. All right. Thank you.

MR. CAREY: Okay.

THE COURT: Mr. Ervin, I'll hear from the Monitor as well.

MR. ERVIN: Well, thank you, Your Honor. Thank you for this opportunity to update you. I will try hard not to be duplicative of what the parties have said, but I'll add my own perspective as the Monitor on a number of items that have already been commented on. But before I do that, I'd like to introduce one member of my team who is joining me today, Delores Jones-Brown, and I'm delighted that she's here.

THE COURT: Thank you.

MR. ERVIN: You heard some from Ms. Senier, Your Honor, about the Monitor work plan and likewise from Mr. Carey. That's where I'd like to start because, as they mentioned, I, myself, have spent the bulk of my time over the last few months or so focused on developing the Monitor work plan. As you know, that plan is called for in paragraph 424 of the Consent Decree. You will recall that the parties and I decided some months back to delay the development of that plan for some months past the initial due date -- the initial due date was October -- because at that point there were relatively few policies that had been developed or revised, as the case may be, and no training had been instituted, and so at that point, there was very little, if anything, to audit and assess. But now, of course, we're farther along in the term, and we've all agreed that we should -- I should turn my attention to the development of that plan. There are a number of things to audit at this point, and so that has begun or at least the process has begun.

So as you heard, I have produced -- I have a copy of it here in fact -- a 57-page single-spaced document that lays out for each of the 464 provisions of the Consent Decree whether the development or revision of a policy is required, whether training is required, the audit methodology, the proposed audit methodology for each of those 464 provisions, by which I mean exactly what I and other members of the Monitoring Team will do in order to assess whether the City is complying with that particular provision.

As you heard, the documentation that the City will be required to produce -- in certain instances, it's merely a paper exercise to determine whether adequate documentation exists. In other cases, there are additional things that need to be done, interviewing people, for example, et cetera. But it's all laid out in the monitoring work plan. And then the proposed date on which we will first audit each provision and, where applicable, the date on which we will conduct a follow-up audit. The current version also includes a field which lists the deadline in the Consent Decree for the City to have implemented that provision, just for my own purposes.

We have -- I have received some questions, as you heard, from DOJ earlier this week, and I plan to respond to those questions early next week. There are additional questions beyond those you heard, but the short answer to those you heard is as follows:

The first question was who on the Monitoring Team will do the audits for each provision. As you know, Your Honor, the Monitoring Team members -- each has his/her own area and, in certain instances, multiple areas of specialty based on their experience and their expertise, and so those provisions relating to the expertise of a particular member of the Monitoring Team will be evaluated by that member of the Monitoring Team.

The second question was what's the process for reporting out the results of the audits. What I envisage and, I think, what the Consent Decree requires or at least contemplates is the publication of the audit reports that are produced as a result of this process.

And then a question of how the deadlines work together. And, basically, what I envisage there is that like provisions will be audited at the same time. So those provisions of the Consent Decree, for example, that relate to training will be audited at the same time. Those that relate to other issues in a discrete category will be audited at the same time.

That's a short summary answer to those questions. Of course, it's more complicated than that, and as I say, there are additional questions, but in brief, that's the answer to those questions, and I will respond to all of those questions in detail early next week.

I am hopeful that DOJ will approve the monitoring plan, the audit methodology shortly, and whenever that happens, I will submit it to the City for its review and approval. And, of course, once both the parties have reviewed and approved, we will proceed to implementation.

As you heard from Mr. Carey, it is terrific to say that there is agreement between the parties that those provisions of the audit methodology, as you heard, that relate to court reform have been reviewed and approved by both the parties. So as you heard from Mr. Carey, we intend to implement that starting August 1. And kudos to a member of the Monitoring Team, Natashia Tidwell, for her outsized role in helping to develop that particular part of the monitoring plan, and so we look forward to the implementation of that shortly.

So turning to a second issue, in terms of the surveys called for in the Consent Decree, as you know, Your Honor, that has been a big priority for me from day one. That's a very important part of the Consent Decree. So I'd like to take this opportunity to update the Court on where we stand on that. As you'll recall, two kinds of surveys are called for in the Consent Decree, one of community attitudes toward the police department and the municipal court system and the other of police attitudes toward the community. I have been hard at work on this for a number of months.

To make a long story short, my team members and I developed and finalized drafts of those surveys back in December, if not earlier, and at that point, it occurred to me that it might be helpful, if possible, to seek some outside funding from a foundation to underwrite the administration and the analysis of that survey given the limited budget that the City has for such purposes, and a foundation is willing to do that, and I have since been talking with the parties to a particular nonprofit organization with expertise in this area, again, about the mechanics of administration and analysis. Those discussions continue, and I am hopeful that we will come to a resolution of those very important procedural and mechanical issues shortly, either with that particular organization or another, and I hope to have an update for the Court and the public on this issue soon, and that relates to both the community survey and the police survey.

On the issue of outcome assessments, as you know, another part of the requirement for the Monitor is that there be periodic assessments, outcome assessments they're called, of whether there are indications, as time goes by, that there are fewer instances than there were when the Consent Decree was implemented, in the circumstances occasioning the Consent Decree, of the administration of justice and the administration of policing in a manner that is biased in one way or another.

As you know, one of the members of the Monitoring

Team is a data analytics firm called FRI -- FRA, and their focus for the past few months has been working with the City and its database, ITA, to determine whether that database has the necessary information so that we, the members of the Monitoring Team, can determine whether, as I say, policing and court administration is done in a bias-free manner as it relates to a number of protected characteristics, including race, ethnicity, gender, disability, sexual orientation, and the like. I will report on this in a more comprehensive fashion later, but in brief, it does not -- it -- the database, the ITI database -- does not appear to contain information regarding gender identity, sexual orientation, and disability. Race, skin color, gender, and age appear to be the only protected characteristics that are consistently populated in the database.

And today I should mention that FRA has not been able to determine whether and, if so, where ITI contains information concerning certain activities that are called out in the Consent Decree both for the police department and the court. For example, First Amendment activities, complaints against the police department, circumstances where individuals are in crisis of one kind or another, internal investigations or approval from supervisors or use of force. So we will continue to work with the City and with DOJ to -- to, again, determine what additional information the database contains, to confirm what information the database lacks, and hopefully, to come up with a plan to address those gaps.

Finally, in terms of community outreach, as you know, Your Honor, I have made a practice over the months of combining these status hearings with, generally speaking, a community meeting, community outreach of some kind either before the hearing or afterwards. I was not able to do such an outreach before this visit, and regrettably, I cannot do so this evening because of an international flight I have to take, but because I was not able to do what I typically do, I will schedule another visit to Ferguson in the next few weeks solely for the purpose of community engagement. And as I think you know, Your Honor, I've experimented with a number of formats in which to do that and will continue to do so.

I guess I would just end by echoing the comments that the parties have made about the streamlined policy review process from the Monitor's perspective and that of members of the team. We, likewise, think that it's been very helpful indeed. The progress that has been made, I think, has been rather substantial. You've heard about it in detail. The Monitoring Team has been, as you heard -- but I want to say it myself -- intimately engaged in that process, albeit at the front end rather than along the way, and we just recently signed off on the internal investigations policy, and also, we have given some guidance, some comments about the use-of-force policy structures. And Mr. Carey, who is to be commended from me as well as the City about his role in developing training for CRB, we have given comments on the training to be administered to the CRB.

So that, in brief, Your Honor, is my report.

THE COURT: All right. Well, I may have a few questions for all of you all, but first, I think it would be helpful to hear from the members of the public. We did have 11 people who signed up. I understand a twelfth person has been added to the list, and so I would hear from you all.

I believe Ms. Shropshire is the first person. Adrian Shropshire. Mr. Shropshire.

And so, as we did before -- and I don't know if you -- I can't remember if you spoke before, sir, but if you'll step up to the lectern, we have this timer thing. So if you'll just -- what I'd appreciate is if you'd state your name, and because I do want to know where everybody's coming from, if you'll tell me the municipality you live in as well, and state your name, and then I'll hear anything you wish to say.

MR. ADRIAN SHROPSHIRE: Good afternoon, Madam Judge. My name is Adrian Shropshire. I live at XXXXXXXXXXXXXXXXX.

THE COURT: Don't give me your home address.

MR. ADRIAN SHROPSHIRE: Okay.

THE COURT: Okay. Just because court reporters aren't supposed to put home addresses in the public record. So just tell me your town, your municipality.

MR. ADRIAN SHROPSHIRE: My town is Ferguson, Missouri, and I'm a 24-year resident.

THE COURT: Thank you.

MR. ADRIAN SHROPSHIRE: As a citizen of the NPSC, there are a few things that I see that are not going smoothly as far as us being productive. Our member participation has fell off 95 percent. We have 10 people that show up to our NPSC community meetings. Instead of going on, talking about the changes, I have some words that can define our problem:

Contentious.

Tension.

Disrespect.

No trust.

No organizational structure.

Hate.

No moral fiber.

Posttraumatic stress syndrome -- very serious within our group. Might not think so, but we do have citizens that have issues.

No integrity.

No DOJ leadership. It's one thing to show up and say, "I'm the DOJ," but to give us advice on moving forward, they say, "Handle it within your group," but we're dealing with people that have posttraumatic stress syndrome.

I would like Ferguson to go forward, but I saw a sign one day saying, "Imagine no police." Hmm. That's serious. Imagine. Imagine now no police.

Thank you, Judge, for your time.

THE COURT: Thank you.

All right. Mr. or Ms. Ankenbrand. Mr. Ankenbrand.

MR. ANK ANKENBRAND: Your Honor, thank you. I'm Ank Ankenbrand, and I live in Ferguson. I thank you for the opportunity to address the Court. My wife and I have lived in Ferguson for 43 years. We moved to Ferguson when the Ferguson-Florissant School District was merging with the Berkeley and Kinloch Districts as a part of the deseg. We were then and continue to be committed to living in a diverse community. We also believe that living in a community involves participating in that community, and as such, my wife served 16 years on the City Council, and I was a member of the Ferguson-Florissant School Board for nine years.

We've carried on that belief in service to the community by being part of the Neighborhood Policing Steering Committee since its inception. We've taken an active role in organizing and carrying out a number of successful events designed to bring the police and residents, young and old, together. It's unfortunate that the Monitoring Team is not here to see a positive interaction between residents and the police at these and other events.

While we feel some positive strides are being made by our subcommittee, the Neighborhood Policing Steering Committee as a whole struggles. We're handicapped by having to operate under a consensus model that some of the group have orchestrated. In addition, it is my belief that there are some on the committee who do not want it to succeed and who look for opportunities to sow discontent.

THE COURT: Can I stop you there? What subcommittee are you referring to?

MR. ANK ANKENBRAND: It's a subcommittee of the Neighborhood Policing Steering Committee, and it's the Youth -- I never remember what it is, but --

THE COURT: Okay. Okay. I get it. I just was looking for a general topic of the subcommittee. Okay. That's fine. Go ahead.

MR. ANK ANKENBRAND: Okay. So we started with almost 100 people that were interested in being a part of the committee, and they're down to less than 20 probably, and we, ourselves, have considered quitting that particular committee and staying just with the subcommittee.

So if the DOJ or the Monitoring Committee have any stake in our success we could use some of their expertise and guidance, and we really have received little or none at this point. Thank you.

THE COURT: All right. The third person, Blake Ashby.

MR. BLAKE ASHBY: Hi, Your Honor. Blake Ashby, a resident of Ferguson, a member of the Neighborhood Policing Steering Committee.

I would like to echo some of what Adrian and Ank said. Just to give you a little bit of background, the Neighborhood Policing Steering Committee is called out in the Consent Decree. It's supposed to be an organization of Ferguson community members and stakeholders designed to help bring our city together, help us heal, and help create opportunities for positive interactions between the residents and the police. That is our role within the Consent Decree.

Our perception is that there is a small group of people that we'll call activists that do not actually want to see the city succeed, and several of these people will undoubtedly talk to you after I talk to you and complain about the slow pace. Our perception is that a big part of the slow pace, at least on the NPSC, is related to these people, and Ank referenced the reference earlier, the process of consensus and blocking concerns.

So just to give you a little bit of history, we actually formed the NPSC before we signed the Consent Decree with the help of Peter Bellmio, a consultant recommended by the DOJ. Very well respected. He proposed simple bylaws.

You have cochairs. You have an executive committee. You try and reach consensus, but if you can't do that, the cochairs have the right to call a vote.

The activist community was adamantly against any kind of structure, and I do mean adamantly against any kind of structure. They didn't like the term "executive committee." They didn't like the idea of cochairs. They didn't like the idea of formal roles. And so, literally, for seven months, we went back and forth on the bylaws. And finally, the residents of Ferguson just gave up. They said, "Okay. We can try your approach, but if it doesn't work, we get to change." And the activists assured us that, yes, we can try the blocking concerns, but if it doesn't work out, if people aren't happy, we can move on to the next structure.

So what this has evolved into is any person from anywhere in the United States can come into an NPSC meeting and block any activity. Residents have tried to put in just some kind of basic requirements. You either have to be a resident or a regular participant. They've tried to put in some kind of voting. At every turn, the activists have blocked actions of the NPSC.

And just to give you an idea of some of the things that were blocked, the very first event the outreach committee did was at Nezbit-Newton Park, literally across the street from the Canfield Green Apartments, you know, and the activists blocked the idea of having the Urban League attend, blocked the idea of having the Urban League bring their health van, blocked the idea of having the Urban League provide utility assistance. The Urban League had volunteered to do all of these things. They blocked the idea of having an art table for the kids. They even blocked the idea of having police officers in uniforms at the meeting. And finally, they refused to allow a religious organization that was out in that neighborhood to distribute fliers until literally two hours before the meeting, before the event. So at that event, we had 13 residents. That's it. Thirteen residents.

And it really seemed like they were actively trying to keep anything from happening because if we can show progress, then we can come before the judge and say the community is coming together.

And it extended even after the meeting. You know, one of the members tried to set up a Facebook page. They blocked the idea of putting pictures of -- and these are pictures of the Ferguson police officers with Ferguson residents, Ferguson children. Blocked the idea of putting pictures of the Ferguson police officers with kids on the Facebook page. They wanted no representations of Ferguson police officers interacting with residents in a, you know, positive manner. And so that has continued.

You know, they mentioned earlier the training committee. We have been at this for almost a year and a half now. The committee that's supposed to look at the municipal codes has barely started. The training committee -- you know, we could have been looking at the current training practices a year ago. No start. Right. McCall has to come and beg people to respond to this thing.

And so what's happening -- and Ank mentioned this -- when we started this process, we had close to 100 people. Now we're down to about 20, and half of those are some council members that can't vote. Right. So we finally went back in front of the City last week and said to the City, hey, this is undemocratic. A very small group of people has created a structure that makes most of the residents of Ferguson very, very frustrated. And so the City has confirmed that, yes, we, as residents of Ferguson, do have a right to vote on the structure for the Neighborhood Policing Steering Committee, and so we have introduced that concept. At the next meeting, we are going to talk about the concept. We're not trying to ram anything down anybody's throat. Right. We'll do a two-and-a-half month process. But we wanted to make you aware that this has been a serious issue and it's caused many Ferguson residents to step back from the process. So we hope we don't have to come back to you and ask for an order, but we did want to make you know that there at least seems to be a group that's trying to keep the city from moving forward, and we need to move beyond that.

Thank you, Your Honor.

THE COURT: Thank you.

MR. BLAKE ASHBY: Oh, and I've got some documents I'd like to drop off afterwards.

THE COURT: Yeah. So tell me what the documents are, just so I know because I -- you know. Well, what is it you want to drop off?

MR. BLAKE ASHBY: Yes. So it's an email to the City Council about the challenges with the NPSC. It's the original sign-in list of emails we got from the first meeting. It's a truly horrendous picture that one of the activists put together mixing in pictures of Ku Klux Klan members with our Ferguson City Council for some unknown reason. And then a copy of Ank's statement that he just read.

THE COURT: Okay. Well, I will -- here's what we're going to do today. I mean I'm going to hear from all of the people who want to speak, and then we're going to take a break, and then I'm going to give the parties to the case and the Monitor, to the extent he needs to, but the parties in particular a chance to talk about anything you all say, and so the issue of whether I'm going to take a bunch of documents from people that -- and what we're going to do with them -- I'm not sure about that yet. So wait and we'll try to reach a resolution of that before -- you know, at the end of today, I'll tell you whether I'll take them or not.

MR. BLAKE ASHBY: Okay.

THE COURT: Okay. Thank you.

Okay. I think it's Ms. Clark, Susan Clark.

MS. SUSAN CLARK: Thank you, Your Honor. Susan Clark. I live in Ladue. I am a stakeholder in Ferguson simply by being a neighbor and being part of an extended community. I think we all recognize that the issues facing Ferguson are not unique to Ferguson itself. I've been active there for a couple of years now. I'd like to speak to you about the school resource officer component of the Consent Decree. I understand the need to prioritize what's being addressed and what's being examined, and that makes perfect sense to me. However, the role of police officers in public schools is one that really needs to be examined. I was very grateful to find the Consent Decree has provisions for assessment and analysis of what's going on. To our knowledge, none of them have been implemented. There's been no transparency. There's been no public discussion of what's going on in terms of the school resource officers. That's an issue. It's an issue in terms of the role of police, in terms of the school-to-prison pipeline issues that students of color are dealing with in the public school systems.

There are deadlines that have come and gone on all of these issues, and we have no idea what has happened with any of them.

Last July 19th was the deadline for a memorandum of understanding with the Ferguson-Florissant School District. I don't know what happened with that.

August 18th of last year was the deadline for presenting a program and an operations manual, and the Consent Decree did an excellent job of outlining material that needed to be covered in an operations manual, including community and stakeholder meetings, including the connection analysis and use of data regarding law enforcement activities in schools, not just the school resource officers but law enforcement activities within the schools. That was last August. Again, nothing.

Last November was the deadline for developing protocols for annual assessments of the school resource officers, and the one-year deadline which approaches is a deadline for assisting the school district, the Ferguson-Florissant School District, to develop conflict resolution programs for the schools so that, ideally, the officers in the schools would be not there in terms of punitive/disciplinary but in terms of enabling the students to succeed, addressing discipline from an individual need as opposed to a punitive need, and if that happens, that would be lovely, but, again, we have no indication that that's happening.

And particularly with something as concerning as school resource officers, there is no consensus nationwide whether it's even an effective strategy, whether it's productive for students or positive for students to have school resource officers in the schools. If this is implemented, we'll have some data. We'll be able to begin to assess that if it's implemented. Thank you.

THE COURT: Thank you.

Mr. John Chasnoff.

MR. JOHN CHASNOFF: Hello, Your Honor. I'm John Chasnoff. I live in University City. And, first, I'd just like to address the issue of the NPSC very briefly because I do have a very different point of view about it. It's true that we have had a lot of contentions in the meeting. I would agree with the analysis that much of Ferguson is suffering from posttraumatic stress. I think that we could use some training and facilitation. That would be very helpful. And also, we could use some professional mediation to come in and resolve some of the tensions that do exist in the group.

But I do have a very different point of view in terms of most of our early meetings were more like 60 people rather than 100, and I can't remember a meeting -- I've attended consistently for over a year. I can't remember a meeting that was near 10 people. We always have at least 20 or more.

The statement about the bylaws and voting was incorrect. You do have to attend a number of meetings before you're allowed to vote. The consensus voting really hasn't been a problem for months and months, and I can only remember one actual consensus vote where we couldn't come to a consensus, but the issue hasn't arisen for months except that we expend a lot of time at the beginning of every meeting talking about the issue.

And there is a lot of good committee work going on. I'm on the committee that works on the neighborhood policing plan. We've met several times with Commander McCall. We've engaged in activities with the community to gather input, and we're creating our own vision of what we'd like to see in the police department. So I feel like that's another committee that's moving forward well.

But I wanted to spend most of my time today addressing the issue of Monitor billing, and just for the record, I wanted to review some of the facts around that. I did a Sunshine request where I received the billing from when the Monitor signed his contract through March of 2017, and it was evident from that that $603,000 had been spent in that eight-month period, and that's half the cap that's reserved, the money that's reserved for the whole five years of the Consent Decree. And so I do understand that there have been compromises reached on that, that the spring billing is being redone and reduced, that the Monitor has agreed to work pro bono from January 1st of 2017 at least through July of 2018 to address some of those issues, and that there will be a yearly schedule so that the money is more equitably distributed throughout his team. I think those are positive, but I do find it surprising that we've gone through the March status hearing and this one without hearing anything about those billing issues because I think the citizens of Ferguson -- it is their taxpayer money, and I think it's condescending to think that this is an issue that shouldn't be presented to the public.

So we have just recently, with the help of interns at ArchCity Defenders, done an analysis of the billing, and I'm hoping that if you receive documents that you'll receive our two-part report on the billing issue. But what we found is that two out of the five months in 2016 exceeded $100,000. Mr. Clark and his firm, Squire Patton Boggs, represents 63 percent of the hours and 83 percent of the expenditures in that billing, and one of the causes for the greatly, you know, accelerated spending is that Mr. Clark estimated he'd be spending about 30 hours a month, and he was -- he's spending 250 percent more than that. His average is roughly 75 hours a month. So those are some of our findings.

We did look at the way the work was distributed in terms of work categories and thought it was pretty proportionate that a large chunk of the money was going towards policy review, but there's a big section, over half, that represents multiple billings where we couldn't categorize because, you know, one hour was distributed among many work categories without any specifics. And so one of our recommendations is that we're hoping in the future that the billing is a little bit more precise and we can tell better what work categories are being represented by the work.

We're also concerned that billing so much upfront caused a situation where, no matter how you interpret a year -- and I'm sure you're aware that a year was interpreted as a calendar year by some parties and a fiscal year by others, but in either way, the money for 2017, the cap for 2017, has already been reached, and billing upfront without any pro bono hours, we think, created a situation where members of the team who worked later in the year would not be paid for their work while members earlier in the year might be, and there needs to be a better distribution of the resources.

So our conclusions, roughly, are that not enough has been done to justify expenses to that extent. We're hoping that the quality of the work does not go down because the pro bono work does not incentivize the Monitor coming to town or spending as many hours on work when he is not being paid for it. So we're hoping that you'll be vigilant in maintaining the quality of the work, and we also would recommend that the

Monitor utilize his whole Monitor Team better and distribute the work more equitably so that the hours are going to the experts in various fields rather than to the administrator of the Monitor team himself.

THE COURT: All right. Thank you.

MR. JOHN CHASNOFF: And so I will wait, I guess, to hear from you if we can submit the report that we've put together.

THE COURT: Yeah. Have you provided that to the parties, to the Department of Justice and the City and the Monitor?

MR. JOHN CHASNOFF: Oh, we just -- it's online, and I've let them know how to access that online.

THE COURT: Okay. Thank you.

And so the next person, Gerry Noll or Gary Noll. Is it Gary or Gerry?

MR. GERRY NOLL: Gerry.

THE COURT: Okay.

MR. GERRY NOLL: Some people say Gary, but it's Gerry.

Good afternoon, Your Honor. First, there's three things I wanted to address, and the first is, yeah, I appreciate you putting together or allowing us to have public comment here, but if you would -- I think you touched on it a little bit about like the place that public comment has within the court proceedings. Maybe you could explain, at some point in today's proceedings, how you see the public comment fitting into your overall oversight of the Consent Decree and, you know, from your perspective what value public comment gives. That's the first thing.

The second thing is the Ferguson Commission, which was established by Governor Nixon back in 2014, now known as Ferguson or Forward Through Ferguson, they set up many signature calls to action, and two of them, I wanted to talk about, dealing with the Civilian Review Board. The first was that every municipality should create a civilian review board. That was a signature call to action. The second was that civilian review boards should be created at the county level to support and supply resources to the municipal CRBs, resources that maybe they didn't have available to them.

So, as you know, Ferguson has a checkmark next to that call to action, you know, that signature call to action. Ferguson actually has already established a civilian review board, and I should mention that the very first meeting of the Civilian Review Board Task Force within Ferguson took place on November 6th of 2014. The Ferguson Commission was authorized and appointed by Governor Nixon on November 18th. So long before there was even a Ferguson Commission, there was even a signature call to action. The City of Ferguson and the residents were already taking action to put a civilian review board into place, and that's why we already have one operating right now.

My question is, is there a way for the Court to encourage or influence the County to take action on that signature call to action? So St. Louis County, the St. Louis City -- the St. Louis County Council has that signature action, call to action, in their ballpark to establish a CRB at the county level to support and help municipal civilian review boards. And I don't doubt at some point our Civilian Review Board is going to need some extra resources, maybe an investigator, maybe subpoena powers, maybe things that weren't part of our ordinance, and that's what the county-level civilian review board should be set up to help with. So I'm just asking if there's a way for the Court to encourage or influence St. Louis County.

The third point has to do with the Monitor's role, and I appreciate John, his detailed analysis. John lives in University City. So he's not a taxpayer for Ferguson.

THE COURT: Are you a Ferguson --

MR. GERRY NOLL: I'm sorry. I forgot to say. Yeah, I'm a Ferguson resident. So I am a taxpayer, and I have the same concerns. I really appreciate the analysis they did because I didn't realize. I'm thinking it's $375,000 a year, and he's saying, hey, we actually paid out 603,000.

From my simplistic point of view of, you know, trying to analyze the value that we're getting from the Monitor, I see that we could have one hugely compensated person full-time, not part-time, but full-time for $350,000 a year. We could have two extremely well-compensated, full-time people for 175k a year. We could have three very well-compensated people for 110 plus thousand dollars a year full-time, four well-compensated people at 85,000 plus a year. And I'm sure we could dig up five people that would be happy to get $70,000 a year in salary full-time. So I relate the 350,000 to like how many people could we have actually working on this thing full-time. We could have a lot of people for that value. I think what John was saying is there's even more money being spent than that 350,000.

So, yeah, so I'd just -- I'd like to see more output from the Monitor Team to the citizens of Ferguson who ultimately are paying the bill through their taxes, and I know there's been some output, some community meetings, but for what we're paying, there should be a whole lot more.

Thank you.

THE COURT: Thank you.

And let's see. Cassandra Butler. Ms. Butler.

MS. CASSANDRA BUTLER: Thank you, Judge Perry.

Cassandra Butler, Ferguson resident.

I primarily want to thank everyone in this process. In particular, I'm grateful that the City of Ferguson has a

Consent Decree. I'm grateful that we have you, Judge Perry, doing the oversight, and I can see very well that that oversight is important to the success of Ferguson in this aspect.

I guess I'm particularly -- because of some recent events such as the election, the presidential election that took place last fall, and the resulting leadership we have in the country, I'm very cognizant of not taking things for granted. So that's primarily why I want to thank everybody. So thank you, DOJ team, for the work that you still do and the sincerity in which you have provided it. I also want to thank the Ferguson city administrators, that I sense their sincereness and the hard work that they're putting in to make this successful, and I want to thank them too.

Everyone down the line has accountability, and I also think that's really important too as far as our Monitor goes, that we really need you to be accountable and be sincere and involved in making sure this is a success. I know that at this point it's difficult to know. Particularly at the public level, we're not privy to exactly all the hard work that's going in, particularly from the Monitor viewpoint; so I want to give you the benefit of the doubt, but I do -- but I don't have a lot of room for that because it's very important that we be successful in this endeavor. And in particular, you can already see the stirrings that, perhaps, the expenditure that we're spending on the Consent Decree could very well be the weak link that some citizens use to try to unravel the effectiveness in what the Consent Decree can do. So that accountability is going to be very important.

So I just want to thank everybody and let you know that we are watching because we do need this to be successful. Thank you.

THE COURT: Thank you. I'd like to consult with the counsel briefly at sidebar to talk about scheduling before we go forward with the next issue.

(A bench conference was held on the record as follows:)

THE COURT: The reason I asked you all over here is because I know that Mr. Ervin has to leave at 3:30 and there have been several comments made about him and I didn't know if you want to take a chance to respond or if you want to just have them do whatever responding for you that needs to be done.

MR. ERVIN: I appreciate that, Your Honor. Can we see how it goes? If we could wrap up around 3:45, I think that would give me sufficient time to make it to the airport.

THE COURT: Okay.

MR. ERVIN: If that's all right with you.

THE COURT: The court reporter couldn't --

MR. ERVIN: First of all, I appreciate your being mindful of that. I think I would be fine if we could end around 3:45 or at least if I could leave at 3:45.

THE COURT: Okay.

MR. ERVIN: So if it could be arranged in that fashion, I think it would work.

THE COURT: Okay. Well, let's keep talking and see what we can do. And then, you know, if 3:45 comes, you can just get up and leave.

MR. ERVIN: I appreciate that, Your Honor.

THE COURT: The other thing is if it's looking like you do want to speak and we're not getting there, because we've got like five more people, then wave your hand and I'll give you a chance to speak.

MR. ERVIN: I appreciate that, Your Honor.

THE COURT: Or stand up or something.

MR. ERVIN: Thank you very much.

THE COURT: Okay. And then you all can have more time after we're done.

MR. VOLEK: Absolutely.

MR. ERVIN: Thank you, Your Honor.

MR. CAREY: Okay.

(The following proceedings were held in open court.)

THE COURT: All right. And so the next person is Nick Kasoff.

And for all of you, if I'm mispronouncing your names, please correct me.

MR. NICK KASOFF: Good afternoon, Your Honor. My name is Nick Kasoff, and I am a resident of Ferguson. I was chairman of the Ferguson charter initiative which developed and promoted the measure which requires and regulates police body cameras in the city of Ferguson, which was on the ballot as Proposition A in the April election. We gathered signatures, placed the measures on the ballot, and it was passed with the support of 71 percent of Ferguson voters, a margin 14 points higher than the Mayor won his reelection and probably the highest consensus of just about any issue in these contentious days in Ferguson.

In her assessment earlier, Ms. Senier, from the DOJ, expressed a concern with lack of transparency, and that's been my experience both before and after this measure was passed. We submitted petitions to the City on July 19th of 2016. I personally gave them to the City Manager who was acting as City Clerk at the time, and they just vanished. We -- we inquired multiple times because the --

THE COURT: Are these the petitions you're talking about that ultimately resulted in the successful vote?

MR. NICK KASOFF: Yes, Your Honor. Yes.

THE COURT: Okay.

MR. NICK KASOFF: The city charter specifies that they are to create -- to complete a certificate of sufficiency within 20 days. We contacted the City on August 31st, which is about 40, 45 days later and didn't hear back from them, and upon further inquiry, we found that they had never sent the petitions to the County for validation. The City Manager did not even respond to my inquiries until he was contacted by a reporter from the *St. Louis Post-Dispatch* on September the 12th.

Now, since the measure's passage -- and I remind you again 71 percent of voters in Ferguson supported this measure -- the City has acted as though it never happened, or at least that's the way it looks for those of us who aren't in the private meetings. The city code appears on the City's website, and it was updated on June the 14th. This amendment to the city charter was not included in that update. We've had absolutely no communication from the City at all.

Mr. Carey specified that they're evaluating how it complies with the Consent Decree, and certainly, we accept that the Consent Decree governs and that state law governs. This measure goes beyond the requirements of the Consent Decree and produces greater accountability and transparency. It was a popular measure because it protects the police from bad actors and it protects citizens from the police engaging in misconduct. It protects everybody. And so we do go beyond what the Consent Decree requires. If it conflicts, we understand the Consent Decree governs.

Everybody on the City Council, the City Manager, the

Mayor -- they all know me. They've got my email and phone number. I haven't heard a word since April. It's like it never happened. So transparency in city government -- huge problem. And with regard to this particular measure, there's been zero transparency. We would like to see that change, Your Honor.

THE COURT: Thank you.

Emily Davis.

MS. EMILY DAVIS: Hello. Emily Davis. I'm a Ferguson resident and member of the Ferguson Collaborative, which has been working for the last two years to insert a community voice into this process. I'd like to address some concerns about the continued lack of community engagement and some other things that are still happening in Ferguson.

The collaborative conducted a survey of the Monitor candidates and asked Mr. Ervin's team how they would solicit community input, especially from those most impacted by unconstitutional policing. His responses were similar to those that he gave both to the City and to the citizens during the interview process. He said that they would conduct in-person interviews, focus groups, community meetings in locations convenient for those particular communities, and short written surveys. They would alert community members to the availability of formal reports on the website by distributing fliers or postcards at popular public gathering spots. They would prepare and present information briefs at schools, churches, recreation centers, community centers, and other venues where affected communities gather. He said that he personally would spend a considerable amount of time on the ground in Ferguson and that he would encourage the community to reach out to him and his team by emails, letters, phone calls, and walk-in visits during designated office hours. And lastly, he said he would certainly provide status updates to the public through the release of his reports and through both the formal and informal meetings with the community members. He said they would absolutely develop a process to channel that community feedback to the Court.

But, however, we've seen a continued lack of that engagement, and after multiple complaints from the community over these past few months, Mr. Ervin said that he would come more often, personally attend Neighborhood Policing Steering Committee meetings, et cetera. But alas, none of this has happened with any consistency. He has not been attending the NPSC meetings. If there are prepared status reports, we haven't seen them. We've not seen information on engagement, education, or reporting at community gathering places. Mr. Ervin has not spent a considerable amount of time on the ground in Ferguson. The last time he was here, he said he had conducted office hours once but that no one showed up. No one showed up because no one knew about those office hours. And having attended these hearings, I know that community feedback is not being channeled to the court. The community largely remains in the dark about this process and certainly isn't being consulted on the implementation. In a town of more than 20,000 people, there's a reason that you continue to see the same handful of us at these proceedings.

THE COURT: Hold on just a second. Okay. Go ahead.

MS. EMILY DAVIS: Okay. We appreciate that you graciously allowed the community to testify today to hear those concerns, and there are more people here today because we invited them. We informed them as citizens of the community. And while I think that we do have a responsibility to engage in that process, it takes a few of us doggedly pursuing information to get any scrap of knowledge about what's happening in our own community, and we certainly don't have the resources that the Monitor, the City, and the DOJ have and promised to use to inform and engage the community.

And now that Mr. Ervin will be working for free as a result of poor communication between the parties, it's hard to believe that the quality of his work and involvement with the community will improve. Case in point being, as he mentioned, we had no idea if he was even going to be in town prior to this hearing, and to our knowledge, he wasn't, and he mentioned that he wasn't.

Second, I want to tell you about my experience in

Ferguson court this week. I had a hearing over a traffic ticket. The officer who issued the ticket had come to my house two days after the accident and asked me --

THE COURT: You need to slow down a little bit because the court reporter is taking this down and you're talking really fast.

MS. EMILY DAVIS: I'm trying. I'm sorry. It's a bad habit.

Anyway, when he came to my house, he asked me if he could turn his body camera off so he could tell me what was really going on. I said yes. He did. And he proceeded to explain that this was all his supervisor's doing and that he didn't understand it either. When I questioned the officer on the witness stand, under oath, in court, on Tuesday, he denied that he turned his camera off, that he had asked me if he could do so, and what he said about his supervisor's involvement. I want to be clear. He violated the law, the Consent Decree, the city charter, and department policy regarding both the duty of candor and the body cam policy. The public overwhelmingly voted on that body cam policy, and with this lack of implementation, the officers are continuing to violate both the law and the will of the people.

I'd also like to explain that the reason the ticket went to trial was because the prosecutor had advised me to take it to trial. He said the witnesses wouldn't show and it would be dropped. Tuesday, in his closing arguments, he spent his time berating me in front of the court for taking it to trial, for wasting the City's time, the witnesses' time, and dragging everyone into court simply to make a political point. He then asked the judge to consider all of that in rendering the verdict and harsher financial penalties. I had followed his advice and then was chastised for exercising my rights under the law as he had advised.

In addition, in another example, the City circumvented the Consent Decree by having St. Louis County police a recent protest at the Ferguson Market, resulting in both violations of the Consent Decree and civil rights violations of the citizens yet again.

The point is that while the City and the Monitor drag their feet through this process the rights of the community are continuing to be violated. Behavior amongst the police is not changing, and with no community -- almost no community access to this process, we have no recourse, and Ferguson in fall of 2014 is what a community with no recourse looks like.

THE COURT: Thank you.

Keith Rose.

MR. KEITH ROSE: Good afternoon, Your Honor. Keith Rose. I live in Godfrey, Illinois. I'm the odd man out here. I am also a member of the Ferguson Collaborative, and I would like to actually echo what Ms. Davis has just said about her court appearance. I was there as well, and I did also hear the prosecutor encouraging the judge to give her harsher punishment for taking her case to court even after he had told her to do so. Luckily, the judge, Mr. Brown, seems to be a wonderful man and a great improvement in the court and he gave her the typical punishment.

I'm here to talk about the timelines and how the community is completely unaware of where the timelines are at this point. Originally, in the Consent Decree, exact dates were laid out. We read many times, you know, within 120 days of the execution, within 90 days, and we've been told that all of those timelines have been changed, but no one has updated the community on the new set of timelines, if they do exist at all. So we have prepared a document for when all of those deadlines were, and we'd like to also submit those to the Court and just what the Consent Decree said they would have in place and what has not happened.

And the problem with these timelines being passed isn't just an academic concern. There are real problems persisting in Ferguson because these timelines have not been met. For example, the protest that Ms. Davis just mentioned, earlier this spring, at the Ferguson Market -- multiple legal observers from the National Lawyers Guild, of which I am one of the coordinators, were there, and they witnessed egregious use of force by the police, things that were clearly in violation of the Consent Decree, but because the trainings and practices have not been put in place, it is really hard to hold those officers accountable for what they had done. Also, I was there myself. I witnessed multiple officers not wearing their nameplates, a very simple provision of the Consent Decree which they still have not --

THE COURT: Well, I thought her complaint was that these were St. Louis County officers. Are you talking about St. Louis County officers or Ferguson officers or both?

MR. KEITH ROSE: Both departments were there. I'm talking about the nameplates on the Ferguson officers.

THE COURT: Okay.

MR. KEITH ROSE: Yes, ma'am. Thank you for the question.

So I have photos of those, but, of course, I cannot submit them to the CRB because the CRB is not currently operational. And so because these deadlines have not been met, Ferguson continues to move in the exact same way it was before. There is really no recourse.

Also, that night, there were officers who were not using their cameras, even though that is clearly a violation of the Consent Decree as well, while they were there at these First Amendment activities. I also witnessed officers telling people to move back and stop recording these arrests, which is also a clear violation of the Consent Decree.

And so for this reason, we would like the timelines to be adopted and to be published so that the community can have an understanding of where we are in the process because right now it really just seems like a lot of conversations happening behind closed doors and the community feels really left out.

Actually, I'm going to use the rest of my time to talk about the NPSC. And there were some concerns brought up earlier, and I want to address those. I'm a member of the NPSC. I haven't been able to go to the past couple of meetings because of a scheduling conflict, but what I have seen is, first of all, many more than 10 people participating, and these are active participants, not people just attending a meeting but people who really want to shape the direction of their city as it goes through these changes.

There are people in the community who want to adopt a system of a -- a cochair system, and the reason for this is simple. They don't like what they're hearing, and they want to have figureheads at the top who can stifle any input. And, Your Honor, that's exactly the kind of change we do not need. We do not need people who are just rubber-stamping the City's agenda. We need people from the community who are having discussions, who are having these debates, who are bringing them forward, and who are really putting out there what they want to see in their community. Now, adopting a system of majority rule is fine, but you have to remember that majority rule trampling minority rights is really what got us into this place in the first place. And if we just make the NPSC one more system where we're going to have a select handful of community members telling the rest of the community how things should be run and saying that this is okay, we're really not going to see the kind of change that Ferguson needs.

THE COURT: And do you think that the way it's functioning now is a good way?

MR. KEITH ROSE: Right now, the Ferguson NPSC has split up into committees, and these committees are different tasks. Each committee itself is really doing a good job in implementing the tasks at hand.

The larger meetings -- most of the time is just now spent over rule making. Is it going to be consensus model? Is it going to be chair and cochair? That's not very effective, but when we do get down to the nitty-gritty of the topics, having multiple people give their insight is really the strength of the NPSC, and having certain people decide what topics can come to the table, putting together the agenda, not letting it be altered would really be to the detriment of the group and the collaborative process.

THE COURT: Thank you.

MR. KEITH ROSE: Yes, ma'am.

THE COURT: All right. Dara Ashby.

MS. DARA ASHBY: Dara Ashby. I've been a resident of Ferguson for 17 years.

Honorable Judge Perry, thank you for letting us speak.

There are many residents that want to help make Ferguson an example to the country of what a diverse community should look like. The Ferguson Neighborhood Policing Steering Committee is supposed to be an organization that allows Ferguson residents to participate in making our city better. Most of these residents as well as youth ministers have quit coming to the Ferguson Neighborhood Policing Steering Committee because of the disrespect, contention, hostility, and lack of organization demonstrated by a handful of attendees. Since the first NPSC meeting about two and a half years ago, the attendees dropped from packing a large room to now about 20 individuals. Sadly, many have said that they will not return until things change. The Ferguson community, including many African-American residents and many that I know personally, are not being represented.

An example of the hostile contention displayed by one member of the NPSC, who is also a member of the facilitator team, is a slide that was shown on the big wall at the May general NPSC meeting. It shows two of our City Council members and kids wearing a donated T-shirt at the recent NPSC Community Outreach Committee Spring Fling event. Mixed in are photos of David Duke and other members of the KKK.

May I so you know what I'm talking about?

THE COURT: Sure. If you'll hand it to the clerk.

MS. DARA ASHBY: Thank you.

The colored logo is on the photo below, and a T-shirt company donated T-shirts, and to save money, they made the logo in black and white. The logo was made by an African-American minister.

The event that the NPSC community outreach team held was a very great success. It was held in the neighborhood where Michael Brown was killed. The event drew in about 300 attendees, and most were from this area. Police and residents interacted positively, and communication began. No one indicated anything at the event but positive comments, and four new people attended from that area -- that had attended the event, that came from that area, came to the next NPSC meeting held in May. The four new residents from Canfield that were recruited did not return to the June meeting because of this hateful act of using the KKK images next to our council members. This type of act should not be tolerated.

Many residents are begging for your help to get this group back to representing the entire community and not just the few that seem like they're trying to keep the NPSC from accomplishing its goals and to keep our city from moving forward.

I respectfully request your consideration. Thank you.

THE COURT: Thank you. And here, you can get your exhibit, ma'am.

All right. And then Mr. Ellis was the person who was added to the list.

MR. ANTHONY ELLIS: Good evening, Your Honor. My name is Anthony Ellis. I'm a resident of Florissant, but I have multiple properties that's in Ferguson.

My reason as to coming here -- I don't bring a big speech about what's going on. My thing is how can we have a better Ferguson when we have so much nepotism in Ferguson, when we have multiple people that's on the Ferguson board that are related to each other or a part of the Knowles family? So how can we get any kind of peace with that?

Second of all, how can we get a better Ferguson, as some of the other constituents said, when we try to engage with the police about the multiple problems that's going on in Ferguson and the police just push us off?

Just as well as in the last meeting we tried to show them a video of what's going on at Ferguson Market, and the panel of Ferguson constituents all walked out on us when we tried to show them the video of the drugs, of --

THE COURT: And what was the meeting that you were showing this at?

MR. ANTHONY ELLIS: We were at the Ferguson --

THE COURT: City Council meeting?

MR. ANTHONY ELLIS: -- council meeting. Yes.

THE COURT: Okay. Go ahead.

MR. ANTHONY ELLIS: And when we tried to present the evidence, when we walked through the door and asked, we asked them, "Hey, we have the videotape for them." The young lady that was hosting the meeting -- the term of whatever she is -- she said, "Give me the flash drive." We gave her the flash drive, and then we tried to present that. Knowles advised all his panel to walk away. So if we're trying to give you evidence about what's going on at Ferguson at stores and you're not listening to the people of the community, how can you say you're trying to make a better Ferguson?

To me, Ferguson is nothing but another Selma, Alabama, on the other side of the track. One side of Ferguson wants this. The other side of Ferguson wants that. We're not even allowed to have a Ferguson that looks like University City. And so how can we have something that's going to look like one place when you have one place looking like this and another place looking like that?

And you can't -- you can't pacify a situation by having an event over there and giving out Popsicles to the kids and thinking it's going to be a better place. And that's what I think a lot of the Ferguson people that sits on the boards, the police department, the council members -- that's what they're doing. They're trying to pacify something to make it look better.

The DOJ -- the reason they found out a lot of things about the DOJ with all the municipalities and how they overlap is due to the fact that I took them on a ride back in 2014 to show them all the overlapping police departments when you have five police departments that's within a quarter mile radius.

So I'm asking the DOJ and anybody else that's a part of this to please do more investigation on what's going on in Ferguson. Because I have talked to people from the FBI, Homeland Security, and everything about the problems that's infesting us with our Ferguson markets and all the different stores that are selling drugs in the stores, and it's nothing that Ferguson is trying to do about it. We have three liquor stores that's right beside each other, and that's kind of ridiculous, and it's only in where the black African-American neighborhoods are. There's not three or four different liquor stores on the corners of Florissant, Florissant Road. So why should we have it on that side of Ferguson?

And like I said, to me, it's like Selma, Alabama, across the Pettus Bridge.

Thank you.

THE COURT: Thank you.

All right. I do want to take a break, but, Mr. Ervin, do you want to address the group before we take the break or address the Court before we take the break but respond to any of the things that have been said because you were mentioned?

MR. ERVIN: I was indeed, Your Honor. Thank you very much for that, and I'll be very, very brief, and thank you for indulging me with my travel schedule requiring me to depart after this.

I did want to respond briefly to the two categories of complaints about me, namely, one billing and the other, community outreach. On the issue of billing -- I do not think that it's appropriate or would be productive to have a debate on either of these issues or any issue for that matter in this forum, but I will address those two issues.

On the issue of the billing, this was the result of an honest disagreement between me and the parties on the issue of what constitutes the year for purposes of calculating the Monitor's work. I proceeded under the impression that we were talking about a calendar year, January to January. It was the parties' intention and understanding that the relevant year period was July when the Monitor was approved to the next July. The RFP to which I and other monitor candidates responded was silent on this issue. The Consent Decree has a number of provisions that speak to the issue, but they're ambiguous, and, therefore, it's just an honest disagreement.

So by the City's reckoning, the cap was exceeded in -- was reached in January with a payment, a partial payment, of about $8,000 or so. By our calculations, under the calendar year calculation, January to January, we were actually several thousand dollars under the cap as of December. So that was the agreement in brief.

The City has not paid $600,000 to the Monitoring Team. The two stipulations as to billing under the Consent Decree are that no more than $350,000 -- however "year" is defined -- no more than $350,000 be expended on the Monitor, the Monitor Team in any one year and that there be no more than 1.25 million dollars expended over five years. Neither of those provisions has been violated. The City has not paid $603,000. The City has paid $350,000. The City has now agreed, as part of a compromise, as you're aware, Your Honor, to pay partial -- some amount of the bills that were sent for the January to March period, January to March of this year, in exchange for an agreement on our part to make substantial reductions. We have done that.

As you have heard, from January of 2017 for the duration of the monitorship, for the duration of the monitorship, I am taking no compensation whatsoever. Furthermore, other members, two other members of the team, cut their invoices by a third for the January to March period. That leaves substantial money for the second monitor year as defined by the parties and the money that was intended to be left for the third year and the fourth year and the fifth year.

I guess the final thing I would say about this: I pledge to you, Your Honor, and to everyone listening, to all the members of the public, that even though I am taking absolutely no compensation from here on out, which I think is rather generous, you can be assured that there will be no diminution in my effort and in my commitment to this. You heard me talk extensively about the work I've put in over the months, starting intensively in March, in the development of that work plan, and that is indicative of the kind of attention and work that I will continue to do with regard to the monitorship.

On the issue of the allocation of work, the notion that work should be distributed in equitable fashion, work is distributed according to what needs to be done and the expertise of different members of the team. Now that we have moved into the audit phase, I think you will see a greater participation on the part of the other members of the team who will be carrying out those audits. That's what I have to say in brief about the billing issue.

On the issue of community engagement, I have made a point of coming to Ferguson as often as my schedule allows given the other work that I have been doing under the monitorship. As you heard, over the months, I and the rest of us have spent the bulk of our time in the policy development, in review and revision process. That's why, assuming the figure is correct -- I haven't done my own calculation of this -- 63 percent of the time has been spent by me, not as an administrator, but rather as a substantive participant in monitoring the work of the City under the Consent Decree, which is the Monitor's obligation.

I have in fact spent considerable time in community meetings. I have participated in more than one "office hours" engagement. Those have been attended by relatively few people. I have done what I think I can do in order to publicize those events by mentioning that on the Monitor's website, on the City's website, and by urging the community groups that are organized in Ferguson and surrounding areas to get the word out to their friends, and I have urged, on a repeated basis, those who continually say that those who most need to hear from the Monitor are those who are not here to tell me how to reach those people and to pass the word along to them, and so I will continue my efforts to be active in the community to the extent that other work under the monitorship and the rest of my schedule demands permit.

Thank you very much, Your Honor.

THE COURT: All right. We're going to take a 10-minute recess, and when we return, I'll ask Mr. Carey and the Department of Justice to make any further statements they want, and if there are any particular issues you wish to respond to and including talking about these documents that people have to present. My inclination is to receive whatever people want to give me, and we'll -- but we can talk about that when we get back.

All right. So court will be in recess for 10 minutes.

And, Mr. Ervin, I understand you have to leave.

MR. ERVIN: Thank you very much, Your Honor.

THE COURT: Thank you.

(Court recessed from 3:44 p.m. until 4:02 p.m.)

THE COURT: All right. So I don't know which counsel would like to speak first, but from the Department of Justice.

MR. VOLEK: Sure, Your Honor.

THE COURT: Go ahead.

MR. VOLEK: Thank you, Your Honor.

I want to begin by expressing the United States' appreciation to the entire community that has come out today and the entire community who has been part of this process for a very long time now. We, as the Department of Justice, recognize just how critical they are to this process.

The Consent Decree isn't looking to make changes that you could just tick off and tick off the boxes. We're actually looking through the Consent Decree -- and I know that the City is committed to this as well -- to changing the lived experiences of people in Ferguson from how it was before our investigation to how everybody hopes it can be: One that is inclusive; one in which everybody's rights are respected; one in which everybody feels a part of their community and a part of their law enforcement entity.

Hearing from the community is a critical part of being able to achieve that. Understanding what the lived experiences are actually like -- and I know that we were very grateful to hear the different perspectives that were voiced today. Obviously, Ferguson is a community where people feel extremely strongly. People are very committed. There's a diverse range of perspectives. We have been in a lot of communities, and we've seen a lot of different, very, very engaged groups, but nowhere in my time with the Department of Justice have I seen people who are quite so committed to this process as I have in Ferguson, and we really respect everybody's views and their -- and their -- the importance of them coming out and continuing to be a part of this process.

I want to address two of the issues to that end that were raised. One is community involvement, and two is some issues with respect to the monitorship.

First, with respect to the NPSC, you know, in line with what I was just saying, we really believe that the community plays an integral role in this process, and the NPSC itself is vital. The NPSC is tasked under the Consent Decree with all sorts of responsibilities -- advising the police department on community priorities with regard to law enforcement, reviewing some policies, looking at recruitment plans and community engagement plans, looking at the Ferguson municipal code. There's all sorts of things that the NPSC needs to do, and we want to support that critical function as much as we can. At the same time, the entire point of the NPSC was to generate community-centered solutions, community-centered ideas, and we want to be as respectful as we can to the community's process and to make sure that they own that process.

We understand that there are different views regarding how things are going on the NPSC. We've attended many meetings. We've attended the last three NPSC meetings, and we've seen both some of the accomplishments that have come out of some of the committees, in particular, and some of the challenges that I think everybody recognizes the NPSC faces. We are looking and actively willing to support the NPSC as however we can. There is -- there is, of course, that tension of we don't want to meddle with the NPSC's own efforts, and we understand that there are some efforts underway within the NPSC, within the group itself, to identify solutions to these problems, to find resources that are available to support the group, such as mediation services, such as, you know, resolution services.

You know, I think that it is fair to say that there is a lot of division and a lot of hurt still in Ferguson, and that manifests itself a lot at these meetings, and, you know, this is a process that will take a lot of time, and we realize that there's a lot of frustration there.

We want the NPSC to succeed. We want it to thrive. We want it to be community-lead. But, you know, we are actively considering what we can do to be a part of that process. In the past, we've had the community relations service of the Department of Justice involved. That had some positive results, and we could certainly explore bringing in similar or other resources to assist with the types of mediation and reconciliation that might be useful to the NPSC, but, again, we don't want to take the lead from the NPSC itself. We don't want this to be a Department of Justice committee or a City-led committee. We want this to be a community-run committee, and we want to fully understand what those needs are and what we can do to support them rather than to actually solve problems and prescribe solutions.

THE COURT: Yeah, I understand that, but it sounds like this has gone on quite awhile, and it sounds fairly dysfunctional. Now, some people say it's not, and some people say it is, but -- so I don't -- you know, I'm not going to have a trial on who's right and who's wrong about that. I want to figure out if there's a way to solve the problem, and I just -- it does sound like they need help, and I'm wondering what you foresee happening, and again, I understand you're not -- you're not the boss of the NPSC.

MR. VOLEK: Right.

THE COURT: But it sounds like there is a -- it doesn't sound like a very functional group. I can understand why people don't want to come to the meetings if everybody just sits around and argues at each other.

MR. VOLEK: No. Absolutely Your Honor. And I can tell Your Honor and the rest of the public that we, within the Department, have been thinking for several months now, mindful of these concerns, what we could possibly do. We've been communicating with the City about this issue and, specifically, have been communicating with the Monitoring Team about what resources they can bring to bear. They have a lot of expertise on their team that understands the nuances of community outreach and engagement and community organizing, and perhaps those resources can be brought to bear.

In the last several months, we have heard that there was some initiative within the NPSC to address these. So we --

THE COURT: And it sounded from today's comments that there may be some things going on.

MR. VOLEK: I think that's right. That's our understanding. So we have been deferring to that process. Admittedly, it seems as if there might be scope for greater involvement from us and from the City and from the Monitoring Team as well to understand what their --

THE COURT: Mr. -- Mr. -- let me just ask you this. I believe Mr. Ashby mentioned that there's a meeting coming up where these issues are going to be discussed again. Are you all going to have representatives at that meeting?

MR. VOLEK: We were not aware that those issues were being discussed there, but we will be happy to attend.

THE COURT: Okay. Thank you. Go ahead.

MR. VOLEK: So, you know, what we don't want to see happen is we don't want that frustration to lead to disengagement with this process because I think we all understand that this Consent Decree cannot be successful with the City's work alone, with the Department's work alone. It really requires the community's involvement and continued involvement, and the NPSC is a key part of that.

The Consent Decree really provides a blueprint for other mechanisms as well: The Civilian Review Board to make the accountability process more transparent; active dialogues between law enforcement and community members. I think that one of the focuses of the parties going forward is to, in addition to focusing on the NPSC's specific issues, focus on those other mechanisms for bringing the community into the process as well. I think that in light of the importance of community involvement it's important that we pursue all the different avenues that might enable that into this process.

The second point that I'd like to address is the -- a few concerns raised about the monitorship. In particular, some concerns were raised about the Monitor's budget, which Mr. Ervin addressed in his comments. I don't know that there's a lot of detail to add, that's needed to add to Mr. Ervin's comments. I just want to give the Court and the public the Department's perspective on this issue. Before getting into the details, though, I do want to say that just like the community is essential to this process, monitorships play a key role in consent decrees and police reform and making sure that reform actually happens. Ultimately, effective monitorships make this process more efficient, more effective, more cost-effective. They resolve disputes between the parties. Issues don't have to be litigated. They can serve as an independent assessor of whether compliance is actually happening. They can provide technical assistance to the city.

Many of those things are indeed happening right now. Just yesterday, Delores Jones-Brown from the Monitoring Team spent the day with the department and with us working through several issues in policies, and that's critically valuable. At the same time, we understand that there are some community frustrations with the monitorship, with the budget. Those concerns were brought to our attention a few months ago, and we discussed those with the City. We discussed those with Mr. Ervin. The parties have worked together with Mr. Ervin to try and address those problems to make sure that there is financial solvency for the monitorship going forward. As the United States, we have an interest as a party in this matter to make sure that the monitorship is successful, that it has the resources it needs going forward, not just in year one, but in years two through five of the agreement and beyond if necessary, to make sure that the monitorship can do its job.

The fact that there were so many resources expended in the first seven months of the monitorship or nine months of the monitorship was highly concerning to us, as it was to the City. We, in consultation with the City, worked to develop a real solution to this. I just want to highlight the two aspects. First, as Mr. Ervin mentioned, part of that solution is going back to the invoices that were already submitted to the City, the $603,000. And Mr. Ervin has gone through those invoices and identified appropriate reductions. He has done so and proposed those reductions, and they are substantial, and so that's part of the process. But really, the other part is making sure that the same -- the same costly things don't still keep happening, that there is some active view towards the future of how we can keep costs low while still having a very successful and effective monitorship that doesn't cut back on actual services to the city, to the court.

We've done a few things in that respect. One, we have certainly emphasized that the development of the monitoring plan is essential. Mr. Ervin, in his opening remarks, mentioned that he spent a lot of time working on the audit methodology. As Your Honor is aware, the Consent Decree requires two documents from the monitorship. One is audit methodologies, which lay out the specific ways that the Monitor is going to assess particular provisions of the agreement. So for court reform, for instance, how are the various provisions -- what documents are they going to look at, what indicators are they going to look at to see if each provision is actually being implemented.

Beyond that, though, the decree requires a second document, which is sort of a middle-level plan of when are the audits going to be conducted, what is -- who on the Monitoring Team is going to conduct those audits, how do those audits interact with public reporting, when are they going to be reported out to the public to bolster transparency. That's the plan that we have been requesting from Mr. Ervin because we really think that that's a critical piece of making sure that the budget can be made with some detail. Once that plan is in place, Mr. Ervin is planning on putting together a concrete budget that breaks down on a quarterly basis exactly what the expenditures of the Monitoring Team will be, that assign clear responsibilities within the team for who's going to do what so that people have a clear understanding of how much money there is between different members of the team.

Three, there was a concern about billing not being detailed enough. That's something that we've discussed with Mr. Ervin as well.

And, four, Mr. Ervin mentioned pro bono hours, and we certainly appreciate his commitment to this project and to give pro bono to this, and part of the budget is going to be figuring out where that actually folds into the rest of the overall budget. It bears noting that we don't, as the United States, think that this monitorship needs to be done on a pro bono basis. We think that the caps that were agreed to by the parties set forth reasonable amounts that will enable effective monitoring, and we think that with some of the mechanisms that we've talked about with the City and with Mr. Ervin we can accomplish that effective monitoring within the budget that's set forth.

We've also agreed on some process steps -- and you've heard about some of those already -- process steps to make this more efficient. So with respect to the policy review process, members of our team have been in constant communication with the City directly to work on policies one-on-one with them, drawing upon the Monitor's technical expertise where appropriate but really doing a lot of the labor at the front end just with the City and then submitting policies to Mr. Ervin and his team for review and approval at the back end. That saves a little bit of Mr. Ervin's time and saves a little bit of money.

The second thing is the parties had a weekly call to sort of monitor where different activities were at. This was largely an administrative call to make sure that things were staying on track. Critically important for sure, but there was a consensus all around that there was a lot of time preparing for that call, having the call, debriefing from that call and not a lot of substantive work actually got done on those calls. And so what the parties have done is switched to a monthly call cycle where we have a monthly call where we actually go through the list, the long list of things that everybody's working on, to see where things are at. In between those monthly calls, we have constant communication, substantive working sessions with the City, with the Monitoring Team. And that pivot in the last several months has really been effective. We really feel like we've gained some momentum on the policy review process, as everybody was speaking about earlier, but also in other areas as well. We really think that switching to that process has been extremely effective.

We think that we have a reasonable solution to this budget shortfall, and that's critically important because the work of the monitorship is essential to this process, and there's a lot of work that still needs to come. The audits -- the audit methodologies have been created, but the actual audits need to be conducted, and that, in many cases, requires intensive review of documents. It requires interviewing people. As Mr. Ervin talked about, it requires actually being on the ground and hearing from people. That's a key part of this process that has not really yet begun.

And I want to emphasize the importance of publicly reporting those audits. That's something that needs to happen as well, and I know that there is a real yearning for more transparency in this process from the community, and it's something that the monitorship's public report is really designed to serve, and so we are encouraged that Mr. Ervin is considering how best to make those reports regular and part of his overall monitorship process, how best to integrate the audits themselves into the reporting schedule as part of a comprehensive monitoring plan, and we're very optimistic that going forward those public reports can be issued and can be an effective tool to communicating with the public exactly what's going on and exactly where things are at.

To that end, I know that there was some concern about deadlines and where things actually stand. I think that, you know, hopefully, when those reports are issued -- the decree calls for them every six months -- that will play a really helpful role for the community in understanding exactly where things are at.

I think that these status conferences are extremely helpful, and we appreciate Your Honor allowing members of the public to speak at them as well.

We at DOJ are committed ourselves to communicating with the public as much as possible. We have, as Ms. Senier mentioned, an active email address that people can contact us. People have our email addresses, our contact information. We welcome everybody contacting us and hearing from folks, and we also are open to suggestions about how this process can be better, how it could be more transparent. You know, it is -- it is the case that this is hard work, and particularly, on the community engagement side, given some of the obstacles that were entrenched, this is hard work that takes a long time, but I know that everybody is committed to doing it.

Finally, just a few small points that came up with regard to some of the deadlines. I know that there was some commentary about where different provisions were at -- body-worn cameras, the school resource officer provisions. As Ms. Senier represented, we do have these priority areas. The fact is that every area of the Consent Decree is a priority. There are 21 different substantive sections of the Consent Decree, and each one of them is a priority. The fact that we are tackling accountability and use-of-force policies first is certainly not at all an indication of anybody's views that school resource officers are not a critical part of this. They represent a real way to make sure that the community has positive outreach and engagement with youth, and they really affect a large number of children in the community, of youth in the community, and so that's just but an example. The same with body-worn cameras. It's a critical accountability tool. It bolsters transparency. That's why those things were included within the Consent Decree. We recognize that.

We are trying to work on many different fronts, and, you know, we are certainly encouraged by the commitment that the City has made and all the efforts that the City has made to work on many different fronts, and, you know, we are -- we are -- we think that the progress is real. We understand that that often doesn't get felt by the community, and again, going back to the point I made at the beginning, the point here is to really impact the lived experiences of people in Ferguson, and so we're very hopeful that that actually happens. We're hopeful that greater reporting on the progress that's made can help people feel like there's been more progress and see the progress that is being made.

THE COURT: Thank you.

Mr. Carey.

And I do have some comments and a few questions, but let me hear what you have to say first.

MR. CAREY: Thank you, Your Honor.

I think it's safe to say that -- from hearing the comments that were made from our citizens and our neighboring community members and people who are just generally interested in what's going on in the city of Ferguson, it's safe to say that we are a city that's -- it's like *A Tale of Two Cities*. All right. We have citizens who feel very strongly about their community, who, you know, in this forum as well as in the City Council meetings, continually come forward to voice their opinions, and we really appreciate that, and as a matter of fact, it's one of the reasons that I wanted to become the Ferguson City Attorney. I remember at my interview telling the council, "You guys have really engaged citizens," and those citizens never hesitate to communicate to us and tell us what their viewpoints are and how we can do things better, and we're certainly fortunate to have citizens who do that. I've been in a lot of city council meetings where you don't get anybody there.

I can tell you, again, going back to this concept of *A Tale of Two Cities*, the city of Ferguson -- quite bluntly, you know, what you're hearing from our community is we have two main corridors in our city. That's South Florissant, which represents our downtown area, and then we have West Florissant, which is another main commercial corridor, which is, ironically, east of South Florissant but called West Florissant. Essentially, what you're witnessing here is that, you know, we have folks along -- you know, the folks who live closer to the South Florissant corridor -- the perception is these folks are nonminorities and, you know, that neighborhood gets preferential treatment; the City, you know, doesn't allow liquor stores along the South Florissant corridor whereas the West Florissant corridor, which is the folks who live closer to that, more minorities, you know, the City allows, you know, three liquor stores in one, you know, block and that type of deal. But the reality of it, Your Honor, is that the City is actively engaged in developing its entire -- the entire city and not just our downtown area.

As a matter of fact, just recently, the City engaged a developer to look at development along the West Florissant corridor, and that developer has engaged our neighborhood groups, specifically, the Southeast Ferguson Group that has just formed. And the Southeast Ferguson Group was formed pursuant to the Consent Decree, and it is a group of apartment complexes and some single-family residences in that West Florissant corridor area, and we've engaged a developer who has engaged the community to talk about developing that area, to talk about, you know, bringing more commercial development, to talk about bringing new residential development to that area, and so the City has made that a priority.

Also, one of the things, I think, that was not mentioned that needs to be mentioned is that one of the first things our city manager did when he was hired was to put a moratorium on liquor licenses because we did recognize that that was a problem, not just along the West Florissant corridor but in our city in general. So we right now have a moratorium on our liquor licenses so that we can further evaluate, you know, how many liquor stores we have, whether or not we want to pull that moratorium.

The other, you know, I guess, comment I'll make was in response to this issue with the Proposition A and the Consent Decree and the conflict. For our purposes, the Consent Decree, more often than not, is not a floor upon which to build. It's more of a target for our purposes. You know, the Consent Decree requires compliance, and sometimes when you're in a situation where you want to do more than what the Consent Decree requires or when you want to go above and beyond what the Consent Decree requires, it can frustrate other provisions of the Consent Decree and it can frustrate the ultimate goal of the Consent Decree, not to mention run afoul of Missouri law. And so that provision of the Proposition A that amended our charter -- I think our citizens -- Mr. Kasoff was right; it does go above and beyond what the Consent Decree calls for, but I think the fact that it does go above and beyond what the Consent Decree calls for can frustrate our ability to comply with the Consent Decree.

THE COURT: Well, I mean I'm obviously concerned with the Consent Decree, but I'm assuming --

MR. CAREY: Right.

THE COURT: -- that the City is not ignoring a charter amendment.

MR. CAREY: Of course.

THE COURT: Okay.

MR. CAREY: Absolutely.

THE COURT: So you are working on trying to figure out where they conflict and things --

MR. CAREY: Absolutely.

THE COURT: -- like that?

MR. CAREY: Absolutely.

THE COURT: Okay.

MR. CAREY: And as I stated before, but I just wanted to make that point so that the Court understood what our position was.

Certainly, you know, the City -- as Mr. Volek said, certainly, there are, you know, areas of -- all areas of the Consent Decree are important, but, you know, unfortunately, we don't have -- again, as I've said here the last couple times I've been here, we don't have a dedicated staff who focuses specifically on the Consent Decree. Everybody who works on the Consent Decree on a daily basis are people who are also working in their normal jobs and, you know, balancing. So there are times when we have to prioritize a particular area of the Consent Decree, and, you know, we're certainly not ignoring any part of the Consent Decree or considering any part of the Consent Decree to be less important than others.

There were just some certain areas that were a priority, and those priorities were kind of based on the immediate needs that we saw in the community. They were also based on the problems that actually precipitated the need for the Consent Decree, the problems that existed that precipitated the need for the Consent Decree, and so the thought process with the parties was, well, we need to prioritize things, you know, on that basis, and so that's what we did, and I guess, you know, not to say that our priority schedule is the best priority schedule. We certainly, you know, are open to making mistakes, but all I can say is that the City thinks that the entire Consent Decree is important, and we don't think that just because we're not prioritizing a particular area that we, you know, shouldn't comply with the entire agreement.

THE COURT: So I have a question for you.

MR. CAREY: Sure, sure.

THE COURT: So if a citizen has a complaint right now that there's been an excessive use of force or some impropriety by a member -- this is a police force question --

by a member of the police force, like not wearing a name tag or something else that the citizen thinks is improper, where do they go with that?

MR. CAREY: Well, we have -- I'm sorry.

THE COURT: Yeah. Because you have a civilian -- you have a -- the CRB exists, right, and what other complaint processes exist?

MR. CAREY: We have a complaint process that was already in place, Your Honor.

THE COURT: Right.

MR. CAREY: And there is a complaint process whereby a citizen can go to the police department and file a complaint at the police department.

THE COURT: And it's not that it's not functional? I mean one of the people who spoke said it doesn't exist, but you're saying it does exist?

MR. CAREY: Sure, it does exist. I think what you're hearing from our citizens is, you know, we -- you know, the City -- we have yet to put our complaint process on the website, which I think would help with transparency in terms of -- or not necessarily transparency but ease of a citizen's ability to file a complaint. Say, for example, maybe they don't want to go into the police department for whatever reason. Maybe they would just rather, you know, go online.

THE COURT: Right, right.

MR. CAREY: So -- but there is a complaint process, and not to mention the fact that, you know, the Department of Justice is in our city a lot. You know, we -- the citizens have access to the Monitor, and I guess the kind of frustrating thing and the challenge that we face is a lot of times we don't hear about these things as a city until there is -- you know, we're at a City Council meeting or there's a public forum like this where there's an opportunity to say what we didn't do or what we, you know, haven't done yet. But, you know, I know Chief Moss' door is always open. I know Commander McCall's door is always open. I know City Manager De'Carlon Seewood's door is always open. So they have made that clear on numerous occasions to our citizens, but one of the frustrating parts, again, is that we typically don't hear about these things until we are in situations or forums like this and we're hearing about how we have failed to do something.

Oh, I wanted to touch a little bit on something that was mentioned about the recent unrest in the city with regard to the County police being present and whether or not there was Ferguson police or the County police. You know, the city of Ferguson is within a county; right? And so when an incident happens in the city of Ferguson, the City of Ferguson cannot stop the County police from responding to that incident. Now, certainly, there are conversations between the police chiefs where, you know, if the St. Louis County Police Chief wants to call the Ferguson Police Chief to say, "Hey, we're going to let you guys handle this situation" or, you know, "Can you guys handle this situation? Do you need us to come in?" and that type of thing, certainly, those conversations happen, but there's nothing that the City of Ferguson can do to stop the St. Louis County Police from responding to a call when something happens in their jurisdiction. And certainly, having the St. Louis County Police respond to a call within their jurisdiction is not the City attempting to circumvent the Consent Decree.

Any talk about the City attempting to circumvent the Consent Decree is somewhat insulting to a lot of us who every day are putting in the work, the time, and the effort it takes to try to implement the Consent Decree, and certainly, there are no concerted, intentional efforts on the City's part to circumvent the Consent Decree. I think there's a misunderstanding about police process and what happens when police are called, why certain police departments are at a scene, why there may be multiple police departments at a scene, but certainly, there is no concerted, intentional effort on the part of the City of Ferguson to circumvent the Consent Decree. That's just not what's happening right now.

I don't want to speak much about the monitorship issue that we had. I think the Department of Justice has summarized that quite well. I think the City is happy with the resolution that we have come to with the Monitor. We think it's a fair resolution. We think the Monitor has gone above and beyond what we would have even asked him to do with regard to his fees. So I'll just kind of leave it at that.

The last point I wanted to make is in response to a citizen who alleged that the City Council just walked out on a council meeting without, you know, looking at certain evidence that folks wanted to present. So I can tell you, because I was there at the meeting, it was not a situation where the City Council just decided to walk out of the meeting. There was a video that our citizens had been telling us existed for months, and I know that our City Council had been asking for that video for months, but there had been some reason why that video had not been given to the City, and there were some reasons. I guess some folks in the community who were in possession of the video were afraid of, you know, ratting or, you know, whatever the case may be. And so what we had was a special meeting of the City Council to discuss some complaints our citizens had made about one of our markets in our city, and at that meeting, I remember the Mayor asking again for the tape that people had talked about for several months, and I think that tape had been communicated to our City Clerk unbeknownst to our Mayor, and so our Mayor was attempting to adjourn the meeting, and a lot of the citizens said, "Hey, listen. You know, we've got this tape. You know, we" -- and so the meeting became kind of, in the Mayor's perspective, you know, out of control. So the Mayor ended the meeting. But I will say that after the meeting, the police chief, one of our City Council members, the City Manager, myself stayed and we watched the videotape. So the citizens did in fact get an opportunity to show the City what it was they wanted to show us with regard to this particular videotape, and it just has to do with one of the markets in the city that's very controversial, that our citizens feel very strongly about one way or the other. And so -- but, you know, it's not a situation where the City is just walking out on a City Council meeting. There's a little bit more description and background that you kind of needed to understand that.

So other than that, if you have any questions about anything, I'm happy to answer them.

THE COURT: Right now, I think you've answered the one question I had, which was, yeah, people can still file complaints, and they should.

MR. CAREY: Yes.

THE COURT: If there are problems going on, they need to file complaints with the City, and that should happen.

MR. CAREY: Absolutely.

THE COURT: Absolutely. It should always happen. In any city where someone thinks there's wrongdoing on behalf of, you know, the police or someone else, you should file a complaint.

MR. CAREY: Right.

THE COURT: Okay. Let me just make a few comments to the people here as well as the parties. First, I want to answer a couple of questions that people asked. Your public comments are very helpful. You know, a consent decree case like this is different because the parties to the case are the ones who are entitled to speak, who are entitled to file things, but, obviously, the public interest is very important in this case. The purpose of the case is to make, as Mr. Volek says, the lived experience of being there better, and so we need to know how it's going, and that's why we are allowing you to speak, and I will continue to allow you to speak. I can't promise that we'll do it at every quarterly status conference, but -- and I'm not sure about the next one, but we will decide that, and I will certainly let everybody know, and I will post the order as well as posting a transcript of today's proceeding. On our court website, there is -- you know, there's a link, a place where you click for this case, and this order will be there. Now, so the comments are important, and I think they're important for the parties.

In answer to the specific question is there a way for me to get St. Louis County to do something or other, they're not a party to the case. I have no jurisdiction to reach out and tell the County to do anything. This case, my authority deals with the Department of Justice and the City of Ferguson. Those are the parties to the case. Just like I couldn't reach out and order one of the citizens to do something.

Now -- and I do think that the lawyers are correct when they talk about the fact that some of these things are things the community needs to decide on its own and deal with on its own. It doesn't -- this wasn't set up to be a top-down thing where the Department of Justice would come in and say, "Here's how we want to organize, you know, your committees," and things like that. I am very concerned about what sounds like the very serious difficulties that the NPSC has had, and obviously, this isn't the first time I've heard about it, and I'm concerned that people are disrespecting one another, if that is really happening, and that they aren't able to figure out a solution to this problem. It sounds like you all are working on a solution to this problem. I would encourage you to keep doing that, and I would encourage you to reach out to the City and to the Department of Justice for assistance in that. And I -- just one second.

Oh, for those of you who brought documents, I'll take whatever anybody wants. I'll have to -- you know, generally, I don't take -- I don't consider anything about a case that the parties don't see. So anything you give me, you're putting the burden on the Court to now distribute to the parties to the case, but we will do it. We will docket it. It will be in the public record. Anything you give the clerk today, I will take and I'll work with her on exactly how we docket it, but it will be in the court file. So whatever you give me will be available to any member of the public who wants to look at it. So be aware of that. And then the person submitting it needs to give their -- what you need to do is bring your documents up and give your name to the clerk so we can say it was submitted by nonparty, whoever submitted it, and it will be filed, and so it will be out there for the world.

Several people -- okay. It's clear that many of the schedules in this case have not been met. We all know that. It's a pretty detailed and complicated consent decree, and so some of the -- a lot of those deadlines haven't been met. However, as I've spoken to the parties and I've looked at what they've done, there's been a lot of progress made. I am -- I think that there's been a lot done.

The policy review is extremely time-consuming. Redoing policies, the issues of recruitment, the issues of salary disparities for the police force -- those things are very difficult.

The municipal court reforms -- maybe it's not perfect yet. Somebody's got a criticism about how something was handled in a municipal court proceeding. There are remedies available that are not through me. There are legal remedies. You have legal recourse, and you should seek legal advice if you think your case was not handled fairly. But it seems to me they've done a great deal. There's been, you know, a huge number of cases gone through, old cases where they've dismissed cases or nolle prossed them, cases where they've converted fines to community service. These are all things that were very important parts of the Consent Decree, and in general, the way the municipal courts are operating, it seems to me, have improved a great deal as a result of this Consent Decree.

So even though there's a lot of specific deadlines that haven't been met, that's not to say things are not happening. Things are happening, I think, very impressively under this policy. Yeah, it's still not perfect. It's never going to be perfect, and it's up to the members of the community to make sure that you keep working on improving things and doing that in a constructive way.

Now, there were some things expressed that I think are important to discuss, and I want to talk about -- you know, well, let me see. The community does have to govern itself. If you all have problems with the way things are going, if the citizens don't think things are being done well enough, you need to be reaching out to the Department of Justice. They are the Plaintiffs in this case. They're the ones who brought this case. They've said that they've got all sorts of contact information out there, and you need to be talking to them about it. Send in emails or however you contact them. Also, contact the City if you think the City is not doing something it should do. The community has to govern itself, and this Consent Decree is a way to get you there appropriately, but it doesn't specify how each individual committee or group is supposed to be governed. That's something that is supposed to come from the community and the people in those groups.

I want to talk about the Monitor's role. Mr. Ervin had to leave, but it's important to talk about this because I think that there is a general misapprehension on what the Monitor's role really is in this case. The Monitor is not an ombudsman. He is not -- they are not a team to come in and mediate every dispute that everybody has in the case. They are not the ones who are supposed to be doing the work that the City is supposed to be doing to comply with the Consent Decree. I think at some -- early in this case, the Monitor did and a lot of the members of the team were trying to help in the process, and they got very involved in a lot of the process, and that's why their bills got high because they were getting very involved. They're supposed to be monitoring something that hasn't happened yet, and so they're trying to help it happen, and I think that they're not the ones who are supposed to be doing that work, and I think the way the parties have now structured it between the Department of Justice and the City and the Monitor, the Monitor is going to be doing what it's doing.

But the comments about, you know, we need the Monitor here at every meeting, we need him here in the community, we need him mediating, we need him telling us what to do -- that's actually not their role. I mean they're going to survey you. They're going to check out the community. They're going to find out what's going on. They need to see how these policies are being implemented. That's the role in the Consent Decree. And I know you've all read it, and you can look at it again, but they're not -- they're not like -- I don't know. They're not the ones doing the work. Okay. They are looking at it and approving it, and they're spending a great deal of time, and I assume that most of what they're doing is not visible to the community at this point because it is working on reviewing policies, reviewing procedures, doing so much of what they're doing.

And to some extent, they have gotten involved even beyond their role and, I think, to the benefit of the community by helping draft policies, helping come up with issues, but I think the way it's structured now is the way it should be structured, and I think the City and the Department of Justice and the Monitor have worked out the fee agreements.

I don't think people should be concerned about that. They are working on it. They've resolved these issues, and the caps that were in the Consent Decree are not going to be exceeded. Everyone has agreed with that.

And Mr. Carey, I assure you, is a pretty tough watchman of the City's finances at least in this respect. So, you know, I just think that people should not be concerned that -- about the fee issue, and I also think they shouldn't be concerned about is something being done on a pro bono basis or a charge basis or which member of the Monitoring Team is doing what. They're there to report really to the Court about whether this is being complied with. To the extent they've tried to help and work on things, that's great, and obviously, they want to be involved in community meetings, and they should be to the extent they're able to, but, you know, if they start doing all the work, it would cost a huge amount of money. That's not what they signed on for.

So I think you all need to know that the Monitor is not the person that should be the -- well, your first line of communication should be with the parties to the case. The Department of Justice has contact numbers. I mean if you think there's something the Monitor needs to know, obviously, you can tell them, but to say why doesn't the Monitor come fix this, that's not really their role. The City and the Department of Justice need to fix it. You need to talk to them first. If you think they're not doing it and not being responsive, then you can talk to the Monitor. Then you can make your feelings known to me.

But their job -- the Monitor's role is not to implement this Consent Decree. The implementation is to be done by the City with the approval of the Department of Justice. And the City, you know, can write all the policies it wants, but if the Department of Justice thinks they're not the right policies, that's not going to work. So they've been working together very well on these policies, and then the Monitor has been coming in and also looking at them to make sure that, as an independent viewer, he believes the policies comply with the Consent Decree. But that's -- that's how it's supposed to work. So I think everybody needs to understand that it's working the way it's supposed to, and I think they had had a disagreement over the fees. They've worked it out. And let's move on.

So I think -- don't think the Monitor is like the guarantor somehow that this Consent Decree is going to be perfectly implemented. The City and the Department of Justice on the first line need to make sure it's done. If it's not being done appropriately, the Monitor's going to report it. We will get those reports coming in, and I'm going to talk to the Monitor about exactly when we expect to have them, and the parties have been talking about that, and you will see them as members of the public, but it is -- you know, it's not their job to implement the Consent Decree. That's the thing I think seems to be an issue that people are -- I don't know.

And perhaps -- well, we all may be misunderstanding it a little bit, and perhaps it is because, you know, it's a great monitoring team. The members of the team have expertise in many different areas, and they are very highly qualified. And I think working through this community survey that we should see soon and the police department survey and getting the responses of that and doing the audit methodology and doing the audits will be extremely important as we move forward.

But because it didn't -- it wasn't -- it was overly ambitious to think that all these policies were going to be rewritten in the first few days, et cetera, the first few months. They didn't have anything to monitor in terms of checking the policies until now, and now they're doing it. So I think you all need to understand that everybody in this process, to my way of thinking, is doing what they're supposed to do.

There was one other comment, Mr. Volek, and I may have asked you this at the last meeting, and I apologize for repeating it, but since it came up again today, I do want to ask you to say this, and you have told me the answer to this question before, but I'm going to ask you again.

There was a change in our national administration, obviously, with the presidential election. Is the Department of Justice doing anything differently in this case now than it was before or than it would have been if there had been a different result in the election?

MR. VOLEK: Your Honor, we remain committed to the Consent Decree, to ensuring its implementation. In signing the Consent Decree, we all committed to the Court that we would defend its provisions. The members of our team have remained constant. Several of us have been on the case since the inception of the investigation. The rest have been on the team for years, and so we certainly remain committed to this case. We understand the importance of it. And we are going to continue to do everything we can to ensure the effective implementation of the decree.

THE COURT: And this is what Mr. Volek has personally assured me in the past, and I know one of the citizens said, you know, she's nervous about it and doesn't feel comfortable anymore, but they're all working very hard at it. Everybody is. This is not anything about national politics. This is about Ferguson, Missouri, and the work that you all are doing to make your community the place it needs to be. So I don't think anyone should be worried about that.

All right. Thank you very much. We'll have another status conference, public conference, in the next quarter, you know, three months or so, and I'll be consulting with the parties to decide about the format of that. I don't know what it will be yet, but we'll pick a date and decide on a format fairly soon.

Okay. Thank you, all.

And so if you have documents, bring them up to the clerk and give her the information that she needs to have.

(Proceedings concluded at 4:49 p.m.)

CERTIFICATE

I, Gayle D. Madden, Registered Diplomate Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 108 inclusive.

Dated at St. Louis, Missouri, this 30th day of June, 2017.

/s/ Gayle D. Madden
GAYLE D. MADDEN, CSR, RDR, CRR
Official Court Reporter